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AMENDED IN COMMITTEE
12/9/15

FILE NO. 150624 ORDINANCE NO. 1-16

[Administrative Code - Supportive Housing Tenants' Enrollment in Public Benefits]

Ordinance amending the Administrative Code to require providers of City-funded permanent supportive housing to ~~inform the City six months after each tenant moves into supportive housing about all public benefits the tenant is receiving or has applied to receive,~~ make reasonable efforts to help enroll tenants in all public benefits for which they are eligible~~,~~ and provide an annual report regarding tenant enrollment in public benefits~~; and to provide for enforcement and penalties against housing providers who fail to comply with these requirements~~.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Administrative Code is hereby amended by adding Article VI, Sections 20.54.1 through 20.54.5, to Chapter 20, to read as follows:

ARTICLE VI: ENROLLMENT IN SOCIAL SERVICES

SEC. 20.54.1. TITLE.

This Article VI shall be known as the "Public Benefits Utilization Ordinance."

SEC. 20.54.2. DEFINITIONS.

For purposes of this Article VI, the following definitions shall apply.

"Agency" shall mean the Human Services Agency or the Department of Human Services.

"CalFresh" shall mean the program that provides monthly benefits to low-income households that can be used for the purchase of food, as set forth in California Welfare and Institutions Code Sections 18900 et seq., including any future amendments to those sections.

"CALM" shall mean Cash Assistance Linked to Medi-Cal, as set forth in Administrative Code, Chapter 20, Article X, including any future amendments to that Article.

"CalWORKs" shall mean the California Work Opportunity and Responsibility to Kids program as set forth in California Welfare and Institutions Code Sections 11200 et seq., including any future amendments to those sections.

~~"Care Not Cash" shall mean the program adopted under Proposition N at the November 2002 San Francisco general municipal election.~~

"City" shall mean the City and County of San Francisco.

"Client" shall mean any person residing in or *seeking to reside in Permanent Supportive Housing* ~~and who is not subject to the Care Not Cash program.~~ *"Client" shall include any dependent children under 18 years of age* residing with or *seeking to reside with the Client in Permanent Supportive Housing.*

~~"Eligibility Worker" shall mean an Agency employee who specializes in determining eligibility for Public Benefits.~~

"General Assistance" shall mean the General Assistance Program as set forth under Article VII of this Chapter, Sections 20.55 et seq.

"Housing Provider" shall mean any Person that contracts with the Agency to administer Permanent Supportive Housing.

"Housing-Related Contract" shall mean any City-funded *contract, lease, memorandum of understanding, or other agreement or amendment thereto entered into on or after the operative date of this Article VI between the Agency and a Housing Provider that provides for the administration of Permanent Supportive Housing to Clients of the Agency. "Housing-Related Contract" shall not include agreements between the San Francisco Housing Authority and the City*, or contracts to provide City-funded services at Housing Authority developments.

"IHSS" shall mean the In-Home Supportive Services Program, as set forth in Administrative Code, Chapter 70, including any future amendments to that Chapter.

"Medi-Cal" shall mean the Medi-Cal Program as set forth in California Welfare and Institutions Code Sections 14000 et seq., including any future amendments to those sections.

"PAES" shall mean the Personal Assisted Employment Services Program, as set forth in Administrative Code, Chapter 20, Article IX, including any future amendments to that Article.

"Permanent Supportive Housing" shall mean housing units for Clients that include on-site supportive services, including, without limitation, intake and assessment of Clients' needs, outreach to the Clients to assist them with health or social needs, management of the health or social needs of Clients, mediation of disputes with the property management, and referrals for services to the Clients. "Permanent Supportive Housing" shall not include any shelter that offers temporary overnight sleeping space on a short-term basis provided by the City on City-owned or leased property or through a contractual arrangement.

"Person" shall mean an individual, proprietorship, corporation, partnership, limited partnership, limited liability partnership or company, trust, business trust, estate, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

"Public Benefits" shall mean CalFresh, CalWORKs, General Assistance, Medi-Cal, SSI, ~~and~~ *VA Benefits*, PAES, IHSS, SSIP, and CALM.

"SSI" shall mean Supplemental Security Income/State Supplementary Program for Aged, Blind, and Disabled as set forth in California Welfare and Institutions Code Section 12000 et seq., including any future amendments to those sections.

"SSIP" shall mean Supplemental Security Income Pending, as set forth in Administrative Code, Chapter 20, Article XI, including any future amendments to that Article.

"VA Benefits" shall mean benefits and entitlements provided by the United States Department of Veterans Affairs, as set forth in 38 U.S.C. Sections 101 et seq., including any future amendments to those sections.

SEC. 20.54.3. CONTRACT REQUIREMENTS.

Every Housing-Related Contract executed after the operative date of this Article VI shall contain provisions in which the Housing Provider agrees to the following requirements:

~~(a) Within six months of placing any Client in Permanent Supportive Housing and at least once every calendar year thereafter, the Housing Provider shall inform the Agency of all Public Benefits for which the Client has applied and all Public Benefits the Client is receiving.~~

(~~b~~a) *(1) The Housing Provider shall make reasonable efforts to help Clients determine the Public Benefits for which they may be reasonably eligible, and help Clients enroll in all Public Benefits for which they may be reasonably eligible. "Reasonable efforts" within the meaning of the previous sentence shall include but not be limited to meeting, or attempting to meet, with all Clients* within three months of the Client's placement in Permanent Supportive Housing and at least once per calendar year thereafter ~~at least once per calendar year~~ *to discuss the Public Benefits* the Client is ~~they are~~ *receiving, the Public Benefits for which* the Client has~~they have~~ *applied, and the Public Benefits for which* ~~they~~the Client *may be eligible but for which* the Client has ~~they have~~ *not applied. A Housing Provider satisfies the requirement of "attempting to meet" with a Client within the meaning of the previous sentence if the Housing Provider supplies the Client with a written notice of the date,*

time, and location of the proposed meeting at least two weeks before the meeting, then attempts to notify the Client at least twice by phone and at least once in person of the date, time, and location of the meeting. A Client "may be reasonably eligible" for a Public Benefit within the meaning of this Section 20.54.3 ~~subsection (b)(1)~~ *if the Housing Provider determines that the Client satisfies all of the criteria set forth on the worksheet created by the Agency pursuant to Section 20.54.*~~5~~4 *of this Article VI.*

(2) During ~~the~~ each *meeting with the Client described in subsection* (~~b~~a)*(1), the Housing Provider shall provide the Client with a document listing all Public Benefits for which the Client may be reasonably eligible and* the different manners in which the Client may apply ~~each step the Client must take in order to apply~~ *for those Public Benefits.* ~~For all Public Benefits that may be applied for in-person at the Agency and for which it is possible to make an appointment, the Housing Provider shall make an appointment for the Client with an Eligibility Worker at the Agency, and shall provide the date, time, and location of the appointment to the Client in writing.~~ The Provider shall assist the Client to apply for all Public Benefits for which the Client may be reasonably eligible by: making an intake appointment for the Client at the Agency and providing the date, time and location of the appointment to the Client in writing; by assisting the Client to apply online; by assisting the Client to fill out and mail a paper application; or by assisting the Client to call the Agency to apply by phone.

(~~c~~b) During each meeting with the Client described in subsection (a)(1), the Housing Provider shall provide the Client with the release described in subsection (b) of Section 20.54.4 of this Article VI. The Housing Provider shall explain to the Client the purpose of the release.

(~~b~~c) *Each Housing Provider shall produce and provide to the Agency a report each year that includes the following information:*

(1) The percentage of Clients enrolled in ~~all of the~~ each *Public Benefit*~~s~~ ~~for which they are eligible~~;

(2) The percentage of Clients who have applied for all of the Public Benefits for which they ~~are~~ may be reasonably *eligible;*

(3) A summary of the reasonable efforts made pursuant to subsection (~~b~~a) *of this Section 20.54.3 to help Clients enroll in all Public Benefits for which they may be reasonably eligible; and*

(4) If all Clients are not enrolled in the maximum Public Benefits for which they may be reasonably ~~are~~ *eligible, an explanation as to why a higher percentage of Clients are not so enrolled and a description of efforts that will be made to enroll more Clients in all Public Benefits for which they may be reasonably eligible.*

A Housing Provider's first report required by this subsection (c) shall be due one year from the execution of any Housing-Related Contract entered into after operative date of this Article VI.

(~~c~~d) *Each Housing Provider shall retain for three years copies of all documents generated or received pursuant to this Section 20.54.3 of this Article VI.*

(~~d~~e) *Each Housing Provider shall cooperate fully with the Agency when it conducts* its annual contract monitoring visit, as well as any *audits and investigations, including allowing the Agency full and complete access to documents and employees.*

(~~e~~f) *No Housing Provider shall discharge, reduce in compensation, or otherwise discriminate against any employee for notifying the Agency of a possible violation of this Article VI* ~~or assisting or otherwise participating in audits and investigations conducted by the Agency under Section 20.54.6 of this Article VI~~.

~~**SEC. 20.54.4. ADDITIONAL CONTRACT REQUIREMENTS; REMEDIES.**~~

~~Every Housing-Related Contract executed after the operative date of this Article VI shall contain provisions in which the Housing Provider agrees to the following:~~

~~(a) That for failure to comply with the requirements of this Article VI, the Agency may require the Housing Provider to pay the City liquidated damages of up to $1,000 for each violation of this Article VI; and~~

~~(b) To be subject to the procedures governing enforcement of a breach of the terms of a Housing-Related Contract, which terms are set forth in Section 20.54.6 of this Article VI.~~

SEC. 20.54.4~~5~~. **DOCUMENTS TO BE CREATED BY THE AGENCY** ~~WORKSHEET REGARDING CLIENT ELIGIBILITY FOR BENEFITS~~.

(a) The Agency shall create a worksheet that lists the general *criteria for eligibility for each Public Benefit.* ~~(b)~~*The Agency shall provide this worksheet to all Housing Providers and shall post this worksheet on its website.*~~(c)~~ *The Agency shall regularly update this worksheet to reflect any changes that are made to the laws regarding eligibility for Public Benefits.*

(b) The Agency shall create a consent to release information form that allows the Housing Providers and the Agency to exchange information regarding the public aid status of the Client. The Agency shall provide this release to all Housing Providers and shall post this release on its website.

~~**SEC. 20.54.6. AUDITS AND INVESTIGATIONS.**~~

~~(a) On an annual basis, the Agency shall conduct two or more audits of Housing Providers to determine compliance with the requirements of this Article VI.~~

~~(b) The Agency shall have the authority to investigate violations of this Article VI.~~

~~(c) Determination of Violation. Upon determining that a Housing Provider may have violated the terms of a Housing-Related Contract, the Agency shall send written notice to the~~

~~Housing Provider of the possible violation, the amount of liquidated damages the Agency seeks to impose for the violation, and the Housing Provider's right to respond to the Agency's initial determination by submitting pertinent documents and other information. The written notice shall also notify the Housing Provider that the Agency is authorized to direct the Controller to withhold payment otherwise due to the Housing Provider. If, after providing the Housing Provider with a reasonable opportunity to respond to the allegations and after considering any response of the Housing Provider, the Agency makes a final determination that a violation has occurred, the Agency shall provide a written notice of violation and the amount of liquidated damages to the Housing Provider.~~

~~(d) Right to Appeal. The Housing Provider may appeal the Agency's final determination. The Housing Provider must file an appeal with the Controller in writing, specifying the basis for contesting the determination, no later than 15 days after the date of the notice of determination, which date shall be no more than one business day earlier than the date the Agency sends or gives the notice of determination to the Housing Provider. Failure to file an appeal in writing within 15 days shall cause the Agency's determination to be deemed a final administrative decision by the City.~~

~~(e) Administrative Hearing.~~

~~(1) Within 15 days after an appeal is filed, the Controller shall appoint a hearing officer and shall notify the Agency and the Housing Provider of the appointment.~~

~~(2) The hearing officer shall promptly set a date for a hearing. The hearing shall commence within 45 days after the notification of the appointment of the hearing officer and conclude within 75 days after such notification unless all parties agree to a later date for concluding the hearing.~~

~~(3) The Agency shall have the burden of producing evidence that the Housing Provider has violated the requirements of this Article VI and the burden of proving the violation.~~

~~(f) Hearing Officer's Decision.~~

~~(1) Within 30 days of the conclusion of the hearing, the hearing officer shall issue a written decision affirming, modifying, or vacating the Agency's determination.~~

~~(2) If the hearing officer vacates the Agency's determination in its entirety, that decision shall also vacate any assessment of liquidated damages. If the hearing officer affirms the Agency's determination, the hearing officer shall issue a decision upholding the Agency's determination, including the amount of the liquidated damages assessed by the Agency. If the hearing officer modifies the Agency's determination, the hearing officer shall issue a decision modifying the Agency's determination, including setting forth, if applicable, the modified amount of the liquidated damages.~~

~~(3) The hearing officer's decision shall consist of findings and a determination, which shall be final. The Housing Provider may seek review of the hearing officer's decision only by filing in the San Francisco Superior Court a petition for a writ of mandate under California Code of Civil Procedure, section 1094.5, as may be amended from time to time.~~

~~(4) The failure of the Controller or hearing officer to comply with the time requirements of this Section 20.54.6 shall not cause the Controller or the hearing officer to lose jurisdiction over an appeal from the Agency's determination.~~

~~(5) Upon the hearing officer's decision affirming or modifying the Agency's determination, the Housing Provider shall take the corrective action, including the payment of liquidated damages, if any, within 14 days of receiving the hearing officer's decision. When a Housing Provider fails to take corrective action within the required time, the City may immediately pursue all available remedies against the Housing Provider.~~

~~(g) Withholding of Payments by Controller.~~

~~(1) When the Agency sends notice to a Housing Provider of its final determination that the Housing Provider has violated the requirements of this Article VI and of the Housing Provider's right of appeal to the Controller, the Agency may direct the Controller to deduct from the payments otherwise due to the Housing Provider the amounts that the Agency has determined the Housing Provider must pay to the City as liquidated damages. The Controller, in issuing any warrant for any such payment, shall deduct the amounts specified by the Agency.~~

~~(2) The Controller shall withhold these funds until: (A) the hearing officer issues a decision finding that the Housing Provider does not owe all or a portion of the amount withheld, in which case the Controller shall release funds to the Housing Provider consistent with the hearing officer's decision; or (B) the Housing Provider consents to the use of the funds to pay the City the amounts that the Agency or hearing officer found due. As to any funds being withheld for which neither (A) nor (B) applies, the Controller shall retain the funds until the hearing officer's decision is no longer subject to judicial review, at which time the Controller shall place all amounts due as liquidated damages in the General Fund, provided that this action is consistent with any final judicial determination if the Housing Provider has sought judicial review under this Section 20.54.6. Notwithstanding the provisions of this subsection (g)(2), the Agency may authorize the release of payments withheld from the Housing Provider under this Section 20.54.6 if the Agency determines that the continued withholding of funds imposes a substantial risk of endangering public health or safety, or interfering with a service or project that is essential to the City.~~

SEC. 20.54.~~7~~5. NO CONFLICT WITH FEDERAL OR STATE LAW.

Nothing in this Article VI shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Section 2. Effective and Operative Dates.

(a) Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

(b) Operative Date. This ordinance shall become operative 90 days after enactment.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JOSHUA S. WHITE
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 150624 **Date Passed:** January 12, 2016

Ordinance amending the Administrative Code to require providers of City-funded permanent supportive housing to make reasonable efforts to help enroll tenants in all public benefits for which they are eligible, and provide an annual report regarding tenant enrollment in public benefits.

December 02, 2015 Budget and Finance Committee - CONTINUED

December 09, 2015 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

December 09, 2015 Budget and Finance Committee - RECOMMENDED AS AMENDED

December 15, 2015 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

January 12, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Cohen

File No. 150624

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/12/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

1/19/16.
Date Approved

[Planning Code - Child Care Requirements for Office and Residential Projects]

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to $1.57 per gross square foot and apply the Fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to $1.83 per gross square feet; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; and affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 150793 and is incorporated herein by reference. The Board affirms this determination.

(b) On October 21, 2015, the Planning Commission, in Resolution No. 19495, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the

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City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 150793, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code Amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 19495 and the Board incorporates such reasons herein by reference.

Section 2. The Planning Code is hereby amended by revising Sections 401, 406, 414.3, and 414.8 and adding Sections 414A.1 through 414A.8, to read as follows:

SEC. 401. DEFINITIONS

* * * *

Designated Child Care Unit. ~~An On- or Off-site Unit~~ A residential unit *provided by a project subject to Section 414A and that is designated for use as a Small Family Daycare Home.*

* * * *

Small Family Daycare Home. A Small Family Daycare Home is defined by California Health & Safety Code Section 1596.78(c), as amended from time to time.

* * * *

SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT PROJECT REQUIREMENTS.

* * * *

(b) Waiver or Reduction, Based on Housing Affordability.

(1) An affordable housing unit shall receive a waiver from the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements

Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, ~~and~~ the Visitacion Valley Community Facilities and Infrastructure Impact Fee, *and the Residential Child Care Impact Fee* if the affordable housing unit:

(A) is affordable to a household at or below 80% of the Area Median Income (as published by HUD), including units that qualify as replacement Section 8 units under the HOPE SF program;

(B) is subsidized by MOH*CD*, the San Francisco Housing Authority, and/or the San Francisco Redevelopment Agency; and

(C) is subsidized in a manner which maintains its affordability for a term no less than 55 years, whether it is a rental or ownership opportunity. Project sponsors must demonstrate to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary.

* * * *

SEC. 414.3. APPLICATION.

(a) Section 414.1 *et seq.* shall apply to office and hotel development projects proposing the net addition of *25,000*~~*50,000*~~ or more gross square feet of office or hotel space.

* * * *

SEC. 414.8. COMPLIANCE BY PAYMENT OF AN IN-LIEU FEE.

(a) The sponsor of a development project subject to Section 414.1 *et seq.* may elect to pay a fee in lieu of providing a child-care facility. The fee shall be computed as follows:

Net add. gross sq. ft. office or hotel space × $~~*1.00*~~*1.57*= Total Fee

* * * *

//

SEC. 414A. CHILD CARE REQUIREMENTS FOR RESIDENTIAL PROJECTS.

SEC. 414A.1. PURPOSE AND FINDINGS.

(a) Purpose. Residential developments in the City are benefited by the availability of childcare for persons residing in such developments. However, the supply of childcare in the City has not kept pace with the demand for childcare created by new residents. Due to this shortage of childcare, residents unable to find accessible and affordable quality childcare will be forced either to live where such services are available outside of San Francisco or leave the work force, in some cases seeking public assistance to support their children. In either case, there will be a detrimental effect on San Francisco's economy and its quality of life.

The San Francisco General Plan requires that the City "balance housing growth with adequate infrastructure that serves the city's growing population." In light of this provision, the City should impose requirements on developers of certain residential projects designed to mitigate the adverse effects of the increase in population facilitated by such projects.

(b) Findings. In adopting Ordinance No. 50-15, the Board of Supervisors reviewed the San Francisco Citywide Nexus Analysis prepared by AECOM dated March 2014 ("Nexus Analysis"), and the San Francisco Infrastructure Level of Service Analysis prepared by AECOM dated March 2014, both on file with the Clerk of the Board of Supervisors in File No. 150149. The Board of Supervisors reaffirms the findings and conclusions of those studies as they relate to the impact of residential development on childcare and hereby readopts the findings contained in Ordinance 50-15, including the General Findings in Section 401A(a) of the Planning Code and the Specific Findings in Section 401A(b) of the Planning Code relating to childcare.

SEC. 414A.2. DEFINITIONS.

See Section 401 of this Article for definitions applicable to Section 414A et seq.

SEC. 414A.3. APPLICATION OF RESIDENTIAL CHILD CARE IMPACT FEE.

(a) Application.

(1) Section 414A.1 et seq. shall apply to any residential development project that results in:

(A) At least one net new residential unit;

(B) Additional space in an existing residential unit of more than 800 gross square feet;

(C) At least one net new group housing facility or residential care facility; or

(D) Additional space in an existing group housing or residential care facility of more than 800 gross square feet.

(2) Section 414A.1 et seq. shall not apply to

(A) That portion of a residential development project consisting of a retail use;

(B) That portion of a residential development project located on property owned by the United States or any of its agencies;

(C) That portion of a residential development project located on property owned by the State of California or any of its agencies, with the exception of such property not used for a governmental purpose;

(D) That portion of a residential development project located on property under the jurisdiction of the Port of San Francisco or the San Francisco Office of Community Investment and Infrastructure where the application of this Section 41.14A is prohibited by State or local law; and

(E) Any residential development project that has obtained its First Construction Document prior to the effective date of Section 414A.1 et seq.

SEC. 414A.4. IMPOSITION OF RESIDENTIAL CHILD CARE IMPACT FEE REQUIREMENT.

(a) Determination of Requirements. The Department shall determine the applicability of Section 414A to any development project requiring a First Construction Document and, if Section 414A is applicable, the number of gross square feet of space subject to its requirements, and shall impose these requirements as a condition of approval for issuance of the First Construction Document for the development project to mitigate the impact on the availability of child-care facilities that will be caused by the residents attracted to the proposed development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) Department Notice to Development Fee Collection Unit at DBI. After the Department has made its final determination of the net addition of gross square feet of the space subject to Section 414A.1 et seq., it shall immediately notify the Development Fee Collection Unit at the Department of Building Inspection (DBI) of its determination in addition to the other information required by Section 402(b) of this Article.

(c) Timing of Fee Payments. The Residential Child Care Impact Fee shall be paid at the time of and in no event later than the City issues a First Construction Document.

(d) Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy. The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the First Certificate of Occupancy for any development project subject to this Section 414A whether the project sponsor has paid the required Residential Child Care Impact Fee. If the Department notifies the Unit at such time that the sponsor has not paid this fee in full, the Director of DBI shall deny any and all Certificates of Occupancy until the subject project is brought into compliance with the requirements of this Section 414A.

(e) Process for Revisions of Determination of Requirements. In the event that the Department or Commission takes action affecting any development project subject to Section 414A, and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by a court, the procedures of Section 402(c) of this Article 4 shall be followed.

(f) Waiver or Reduction. Development projects may be eligible for a waiver or reduction of impact fees, per Section 406 of this Article 4, including Section 406(d), in the event a project located in an Area Plan may be assessed a child care fee.

SEC. 414A.5. CALCULATION OF THE RESIDENTIAL CHILD CARE IMPACT FEE.

(a) For development projects for which the Residential Child Care Impact Fee is applicable:

(1) Any net addition of gross square feet shall pay per the Fee Schedule in Table 414A.5A; and

(2) Any replacement of gross square feet or change of use shall pay per the Fee Schedule in Table 414A.5B.

TABLE 414A.5A

FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET

Residential projects of 10 or more units	***Residential Projects of up to 9 units***
$1.83/gsf	*$0.91/gsf*

TABLE 414A.5B

FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE

	Residential Use to Residential Use	***Non-Residential to Residential***	***PDR to Residential***
Residential projects of 10 or more units	*$0 /gsf*	*$0.26/gsf*	*$0.26/gsf*
Residential Projects of up to 9 units	*$0 /gsf*	*$0.13/gsf*	*$0.13/gsf*

(b) Credit for On-Site Childcare Facilities. A project may be eligible for a credit for on-site Childcare Facilities: The project sponsor must apply to the Planning Department to receive a credit for on-site child care facilities. To qualify for a credit, the facility shall be open and available to the general public on the same terms and conditions as to residents of the residential development project in which the facilities are located. Subject to the review and approval of the Planning Commission, the project sponsor may apply for a credit up to 100% of the required fee. The City shall enter into an In-Kind Agreement with the Project Sponsor under the conditions described for In-Kind Agreements in Section 421.3(d), subsections (2) through (5).

SEC. 414A.6. OPTION TO PROVIDE ONSITE SMALL FAMILY DAYCARE HOME IN LIEU OF FEE.

(a) Election to Provide Designated Child Care Units in Lieu of Residential Child Care Impact Fee.

Consistent with the timing to elect the option to provide On- or Off-site Units under Section 415.5(g), the sponsor of a development project subject to the requirements of Section 414A.1 et seq., may elect to fulfill all or a portion of the Residential Child Care Fee requirement imposed as a condition of approval by creating one or more Designated Child Care Units in the project, as follows:

(1) The number of Designated Child Care Units in a project subject to this Section 414A shall be as follows:

	Maximum allowable Designated Child Care Units
Residential Projects of 25-100 units	*1 Unit*
Residential Projects of 101-200 units	*2 Units*
Residential Projects of 201 or more units	*3 Units*

(2) A Designated Child Care Unit shall have two or more bedrooms and shall be1,000 square feet or more;

(3) A Designated Child Care Unit shall be offered only for rent and only to a tenant who agrees to operate a licensed Small Family Daycare Home in the Unit; and

(4) A Designated Child Care Unit shall be reserved for a period of at least ten years from the date the Designated Unit is first leased to a tenant for use as a licensed Small Family Daycare Home; and

(5) A Designated Child Care Unit may not be an On-site or Off-site Unit, as defined in Planning Code Section 415 et seq. establishing the Inclusionary Affordable Housing Program.

(b) Calculation of Value of Designated Child Care Unit in Lieu of Residential Child Care Impact Fee.

For purposes of determining the value of a Designated Child Care Unit to calculate a waiver of the Child Care Fee, the City shall calculate the number Designated Child Care Units being provided multiplied by the average number of children per Unit multiplied by the cost per childcare space. The following formula, using numbers derived from the 2014 San Francisco Citywide Nexus Study shall be used:

*Total number of gross square feet of the unit or units designated as Child Care Units * Residential Child Care Impact Fee * 20.*

This value shall be deducted from the amount of the Residential Child Care Impact Fee owed.

(c) Responsibilities of Operators of Small Family Daycare Homes in Designated Child Care Units.

The Office of Early Care and Education shall monitor Designated Child Care Units and refer any instances of noncompliance to the Planning Department for enforcement. A tenant of any

Designated Child Care Unit shall agree to operate a licensed Small Family Daycare Home in the unit for a minimum of 10 years as follows:

~~(1) Except as provided herein, the tenant must meet the income qualifications to occupy the Unit and shall comply with all other requirements of the City's Inclusionary Affordable Housing Program, Planning Code Section 415 et seq., as it may be amended from time to time. Compliance with the Inclusionary Housing Program requirements shall be determined by MOHCD or its successor. Notwithstanding the Inclusionary Housing Program requirements, for the duration of a tenant's occupancy of a Designated Child Care Unit and operation of a licensed Small Family Daycare Home in the Designated Child Care Unit, MOHCD shall not enforce against the tenant any income requirements that otherwise apply to current tenants;~~

(1)~~(2)~~ *If, in the determination of the Office of Early Care and Education, the tenant does not begin to operate a licensed Small Family Daycare Home in the unit within nine months of occupying the unit, or if the tenant ceases to operate a licensed Small Family Daycare Home at any point in time within ten years from the date the Designated Unit is first leased to a tenant to operate a licensed Small Family Daycare Home, all tenants in the Unit shall be required to vacate the unit within 180 days;*

(2)~~(3)~~ *At least 1/3 of the children served by the Small Family Daycare Home shall be from Households of Low- or Moderate-income, as defined in Section 401; and*

(3)~~(4)~~ *The Small Family Daycare Home established in any Designated Child Care Unit shall serve at least four children of whom the operator of the Small Family Daycare Home is not a parent or guardian, based on an average over the previous 12 months.*

SEC. 414A.7. USE OF FEES.

All monies contributed pursuant to the provisions of Section 414A shall be deposited in the Child Care Capital Fund established by Section 414.14 of this Code.

SEC. 414A.8. NOTICE OF AVAILABLE DESIGNATED UNITS.

Whenever a Designated Unit becomes available for rent, within 5 business days, the owner of the Unit shall notify governmental and nonprofit entities that can assist in publicizing the availability of the Unit, including, at a minimum, the following entities: the Office of Early Care and Education, the Family Child Care Association of San Francisco, the Children's Council, and Wu Yee Children's Services.

Section 3. Effective and Operative Date. This ordinance shall become effective 30 days after enactment. The operative date of the provisions in Section 414A.6 will be six months after enactment. The operative date for all of the other provisions of this ordinance shall be the effective date. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Susan Cleveland-Knowles
Deputy City Attorney

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 150793 **Date Passed:** January 12, 2016

Ordinance amending the Planning Code to increase the Child Care In Lieu Fee for office and hotel development projects of up to $1.57 per gross square foot and apply the fee to projects of 25,000 or more gross square feet; to impose a tiered Child Care Fee for residential development projects of up to $1.83 per gross square foot; to allow developers the option to provide onsite Small Family Daycare Homes in lieu of the fee; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

December 07, 2015 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

December 07, 2015 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

December 15, 2015 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

January 12, 2016 Board of Supervisors - DUPLICATED

January 12, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Cohen

File No. 150793

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/12/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

1/19/16
Date Approved

GOVERNMENT
DOCUMENTS DEPT

FILE NO. 151020 MAY - 3 2016 ORDINANCE NO. 3-16

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[Amending Ordinance No. 89-10 - Water Revenue Bond Issuance and Sale - Public Utilities Commission - Not to Exceed $1,737,724,038]

Ordinance amending Ordinance No. 89-10, to authorize the San Francisco Public Utilities Commission to enter into one or more State of California State Water Resources Control Board Installment Sale Agreements and Grants in an aggregate principal amount not to exceed the previously authorized amount of $1,737,724,038 to finance, among other projects, the costs of the San Francisco Westside Recycled Water Project pursuant to the Charter, including Proposition E, an amendment to the Charter enacted by the voters on November 5, 2002; and ratifying previous actions taken in connection therewith.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors (the "Board") of the City hereby finds and declares as follows:

A. On November 5, 2002, the voters of the City and County of San Francisco (the "City") approved Proposition E, codified as Article VIIIB of the Charter of the City (the "Charter"), which among other things, authorized the Commission to issue revenue bonds, including notes, commercial paper or other forms of indebtedness, when authorized by ordinance approved by a two-thirds vote of the Board of Supervisors, for the purpose of reconstructing, replacing, expanding, repairing or improving water facilities or clean water

facilities, or combinations of water and clean water facilities under the jurisdiction of the Commission; and

B. The Commission has from time to time issued its revenue bonds to finance projects benefitting the Water Enterprise; and

C. By Resolution No.15-0196 adopted on September 22, 2015 (the "Commission Resolution"), the Commission has determined to authorize the execution of State Revolving Fund Loans secured by one or more Installment Sale Agreements and Grants, entered into with the State of California Water Resources Control Board under the Clean Water State Revolving Fund (referred to herein as the "Installment Sale Agreements"), including the costs of the San Francisco Westside Recycled Water Project (the "Westside Project" as such project is further described in the Commission Resolution), costs of issuance and other incidental costs related thereto, and formally has requested this Board of Supervisors to authorize the execution and delivery of Installment Sale Agreements and to authorize the acceptance of available grants for such purposes, pursuant to Section 8B.124 of the Charter, such Commission Resolution and the Installment Sale Agreements referenced therein being on file with the Clerk of the Board of Supervisors in File No. 151020, which is hereby declared to be a part of this Ordinance as if set forth fully herein; and

D. The Commission has determined that it is necessary and desirable to finance the costs of the Westside Project through the execution and delivery of the Installment Sale Agreements. The Installment Sale Agreements will be payable from a pledge of the Net Revenues of the Water Enterprise on a parity lien basis with outstanding Bonds of the Water Enterprise, as such terms as defined in that certain Indenture dated as of August 1, 2002, as amended and supplemented (the "Indenture"), between the Commission and U. S. Bank National Association, as trustee thereunder. The Board now desires to authorize the execution and delivery from time to time of Installment Sale Agreements by the Commission

pursuant to said Section 8B.124; provided however, the Commission shall file with the Board of Supervisors any and all certifications required by Section 8B.124 of the Charter prior to the execution and delivery of any Installment Sale Agreements authorized hereby (as further described below); and

E. Section 8B.124 of the Charter allows for the issuance of revenue bonds or other forms of indebtedness by ordinance approved by two-thirds of the Board, subject to the provision of certain certifications of an independent engineer retained by the Commission and certain certifications by the San Francisco Planning Department, which certifications shall make the findings and determinations set forth in Section 8B.124; and

F. The Commission has requested to supplement and amend Ordinance No. 89-10 to authorize, in addition to Water Revenue Bonds, the execution and delivery of Installment Sale Agreements, in either case, in an aggregate principal amount not to exceed $1,737,724,038.

Section 2. Ordinance No. 89-10 is Amended and Supplemented. Ordinance No. 89-10 is hereby amended and supplemented to authorize, in addition to the issuance of Water Revenue Bonds, the execution and delivery of Installment Sale Agreements to finance, among other projects, all or a portion of the costs of the San Francisco Westside Project (such project being further described in Commission Resolution 15-0196, adopted by the Commission on September 22, 2015); provided however that the Commission shall not be authorized to issue any such indebtedness in an aggregate principal amount exceeding $1,737,724,038.

Section 3. Approval of the Installment Sale Agreements. Subject to the terms of this Ordinance, the Commission is hereby authorized to enter into one or more Installment Sale Agreements with the State Water Resources Control Board pursuant to Section 8B. 124 of the Charter to finance all or a portion of the Westside Project (including the costs of issuance

for such obligations) and other incidental costs relating thereto; and the Board hereby approves the execution and delivery of such agreements from time to time by the Commission pursuant to Section 8B. 124 of the Charter and in accordance with the Commission Resolution, at a maximum rate or rates of interest of not to exceed twelve percent (12%) per annum and for a term not to exceed 30 years from the date of the execution of any Installment Sale Agreement, or from such other date as otherwise provided in said Agreement. The Commission is hereby authorized to determine the timing, amount and manner of each Installment Sale Agreement executed pursuant to this authorization; provided however, the Commission's authorization to enter into any Installment Sale Agreements subject to the filing with the Clerk of the Board any certifications required by Proposition E prior to the issuance of any bonds herein authorized. The Commission is also hereby authorized to accept such grants to be applied to pay for the costs of the Westside Project.

Section 4. General Authority. The Controller, Treasurer, the City Attorney and other officers of the City and their duly authorized deputies and agents are hereby authorized and directed, jointly and severally, to take such actions and to execute and deliver such certificates, agreements, requests or other documents, as they may deem necessary or desirable to facilitate the execution and delivery of any Installment Sale Agreements, to obtain title and other insurance with respect to the facilities to be financed, and otherwise to carry out the provisions of this Ordinance. Any such actions are solely intended to further the purposes of the Ordinance, and are subject in all respects to the terms of the Ordinance, and any such action cannot increase the risk to the City, or require the City to spend any resources, and that such official shall consult with the City Attorney prior to execution and provided that within 30 days of the documents approved by this Ordinance being executed by all parties, such final documents (showing marked changes, if any) shall be provided to

the Clerk of the Board, for inclusion in the official file, together with a brief explanation of any changes from the date of the adoption of this Ordinance.

Section 5. Ratification of Prior Actions. All actions authorized and directed by this Ordinance in connection with the execution and delivery of Installment Sale Agreements or the acceptance of grants as described in this Ordinance, and heretofore taken, are hereby ratified, approved and confirmed by this Board.

Section 6. File Documents. All documents referred to as on file with the Clerk of the Board are in File No. 151020.

Section 7. Effective Date. Pursuant to Section 2.105 of the Charter, this Ordinance shall take effect immediately upon its adoption.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
MARK D. BLAKE
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151020 **Date Passed:** January 12, 2016

Ordinance amending Ordinance No. 89-10, to authorize the San Francisco Public Utilities Commission to enter into one or more State of California State Water Resources Control Board Installment Sale Agreements and Grants in an aggregate principal amount not to exceed the previously authorized amount of $1,737,724,038 to finance, among other projects, the costs of the San Francisco Westside Recycled Water Project pursuant to the Charter, including Proposition E, an amendment to the Charter enacted by the voters on November 5, 2002; and ratifying previous actions taken in connection therewith.

December 09, 2015 Budget and Finance Committee - RECOMMENDED

December 15, 2015 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

January 12, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Cohen

File No. 151020

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/12/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

1/19/16
Date Approved

[Health Code - Amendment to Sugar-Sweetened Beverage Warning Ordinance]

Ordinance amending the Health Code by changing the exemption for permitted signs under Section 4203(d) of the Sugar-Sweetened Beverage Warning Ordinance to signs permitted on or before October 20, 2015.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Health Code is hereby amended by revising Section 4203, to read as follows:

SEC. 4203. SUGAR-SWEETENED BEVERAGE WARNING ON ADVERTISEMENTS.

(a) Commencing on the operative date of this Division I (Ordinance No. 100-15) (the "Operative Date"), which is one year after the effective date of this Division, any Advertiser who posts an SSB Ad, or causes an SSB Ad to be posted, in San Francisco shall place on the SSB Ad the following warning, including as amended in accordance with Subsection 4203(c) below (the "Warning"):

"WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay. This is a message from the City and County of San Francisco."

* * * *

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(d) This Division I does not apply to any action by an Advertiser regarding (1) any sign, excluding any general advertising sign unless it ~~unless that it~~ satisfies (2) below, permitted by the City *on or* before *October 20, 2015* ~~*the Operative Date*~~; (2) any general advertising sign permitted by the City before the Operative Date that includes an SSB Ad, if the SSB Ad has not been substantially changed for a period of 50 or more years before the Operative Date and the Advertiser provides the Director, on the Director's request, records or other information that substantiates the SSB Ad has not been substantially changed over the 50-year period; or (3) any SSB Ad, other than those excepted from the application of this Division in (1) and (2) above, including any reproduction, that was created before December 31, 1985 for which the Advertiser provides to the Director, on the Director's request, records or other information that substantiates the date that the SSB Ad was created ~~was~~ before December 31, 1985. For purposes of this Division I, "general advertising sign" shall have the meaning provided in Section 602.7 of the Planning Code (General Advertising Sign), as amended or renumbered from time to time, and "sign" shall have the meaning provided in Section 602.19 of the Planning Code (Sign), as amended or renumbered from time to time.

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Robert A. Bryan
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151082 **Date Passed:** January 12, 2016

Ordinance amending the Health Code by changing the exemption for permitted signs under Section 4203(d) of the Sugar-Sweetened Beverage Warning Ordinance to signs permitted on or before October 20, 2015.

December 07, 2015 Land Use and Transportation Committee - AMENDED

December 07, 2015 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

December 15, 2015 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

January 12, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Cohen

File No. 151082

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/12/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

1/19/16
Date Approved

GOVERNMENT
DOCUMENTS DEPT

MAY - 3 2016

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FILE NO. 151124 ORDINANCE NO. 5-16

[Memorandum of Understanding - Amendment No. 8 to Firefighters, Local 798, Unit 1]

Ordinance adopting and implementing the Amendment No. 8 to the 2007-2018 Memorandum of Understanding between the City and County of San Francisco and the Firefighters, Local 798, Unit 1, by implementing specified terms and conditions of employment for FYs 2015-2016, 2016-2017, and 2017-2018.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby adopts and implements Amendment No. 8 to the 2007-2018 Memorandum of Understanding between the City and County of San Francisco and the Firefighters, Local 798, Unit 1, by implementing specified terms and conditions of employment for FYs 2015-2016, 2016-2017, and 2017-2018.

Amendment No. 8 to the Memorandum of Understanding so implemented is on file with the Clerk of the Board of Supervisors in Board File No. 151124.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Elizabeth Salveson
ELIZABETH SALVESON
Chief Labor Attorney
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Mayor Lee, Supervisors Breed, Farrell, Cohen
BOARD OF SUPERVISORS

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151124 **Date Passed:** January 12, 2016

Ordinance adopting and implementing Amendment No. 8 to the 2007-2018 Memorandum of Understanding between the City and County of San Francisco and the Firefighters, Local 798, Unit 1, by implementing specified terms and conditions of employment for FYs 2015-2016, 2016-2017, and 2017-2018.

December 03, 2015 Government Audit and Oversight Committee - RECOMMENDED

December 15, 2015 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

January 12, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Cohen

File No. 151124

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/12/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

1/19/16
Date Approved

GOVERNMENT
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MAY - 3 2016

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FILE NO. 151125 ORDINANCE NO. 6-16

[Accept and Expend Grant - United States Department of Labor - American Apprenticeship Initiative - Amendment to the Annual Salary Ordinance - $2,999,999]

Ordinance retroactively authorizing the Office of Economic and Workforce Development to accept and expend a grant in the amount of $2,999,999 from the United States Department of Labor for the American Apprenticeship Initiative Grant for the period of October 1, 2015, to September 30, 2020; and amending Ordinance No. 129-15 (Annual Salary Ordinance FYs 2015-2016 and 2016-2017) to provide for the creation of one (1) Class 9774 Senior Community Development Specialist I grant-funded position (0.58 FTE) in the Office of Economic and Workforce Development.

Note: Additions are *single-underline italics Times New Roman.*
Deletions are ~~*strikethrough italics Times New Roman.*~~
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal.~~

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The American Apprenticeship Initiative Program (AAIP) is administered by the U.S. Department of Labor and is authorized by Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), as amended (codified at 29 USC 2916a). Grants awarded under AAIP are financed by a user fee paid by employers to hire foreign workers into the United States under the H-1B nonimmigrant visa program. This initiative is intended to provide a catalyst in supporting a uniquely American Apprenticeship system that meets our country's particular economic, industry and workforce needs. American Apprenticeships (also referred to as Registered Apprenticeships) are innovative work-based learning and post-secondary earn-and- learn models that meet national standards for

registration with the DOL (or federally recognized State Apprenticeship Agencies). Grants funded by this initiative will support dynamic and sustainable public-private partnerships.

(b) OEWD's mission is to create fast-tracked, hands-on apprentice training programs that respond to the skill requirement of the ICT sector through TechSF Applied Learning Accelerator, an industry-driven venture. The San Francisco Bay Area is known worldwide as the birthplace of the internet-age technology industry, and for decades the region has continued to lead the way in ICT. OEWD's extensive and intensive collaboration with ICT employers, paired with statewide employer research, has led to a deep understanding of in-demand skills and competencies most critical to successful employment in the ICT industry today, and subsequently has led OEWD to currently offer in-demand training through its many public and private non-profit sector partners.

(c) On September 9, 2015, the U.S. Department of Labor awarded OEWD $2,999,999 to expand our TechSF Applied Learning Accelerator Program.

(d) The award period is from October 1, 2015 to September 30, 2020.

Section 2. Authorization to accept and expend grant funds.

(a) The Board of Supervisors hereby authorizes the Office of Economic and Workforce Development to accept and expend the American Apprenticeship Initiative Grant in the amount of $2,999,999 for the purpose of expanding the TechSF Applied Learning Accelerator Program to create fast-tracked, hands-on apprentice training programs that respond to the skill requirement of the ICT sector.

(b) The grant includes a budget for indirect costs of $367,496.

Section 3. Grant funded positions; Amendment to FY 2015-2016 and FY2016-2017 Annual Salary Ordinance.

The hereinafter designated sections and items of the Annual Salary Ordinance No. 129-15, FY 2015-2016 and FY 2016-2017 are hereby amended to add one (0.58 FTE) position in the Office of Economic and Workforce Development.

Department:	ECN	Economic and Workforce Development (21)
Program:	BL1	Workforce Training
Subfund:	2S-CDB-GPC	
Index Code:	ECNWDAAIP	

Amendment:	# of Pos.	Class and Item No.		Compensation Schedule
Add	*0.58 FTE*	*9774*	*Senior Community Devl Specialist I*	*$3,018 B $3,668*

FILE NO. ORDINANCE NO.

APPROVED AS TO FORM:

By: _____

Anne Pearson

Deputy City Attorney

APPROVED AS TO CLASSIFICATION

DEPARTMENT OF HUMAN RESOURCES

By: _____ 10/30/15

Micki Callahan

Human Resources Director

APPROVED: _____

Edwin M. Lee

Mayor

APPROVED: _____

Ben Rosenfield

Controller

Recommended:

_____

Todd Rufo, Director

Office of Economic and Workforce Development

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151125 **Date Passed:** January 12, 2016

Ordinance retroactively authorizing the Office of Economic and Workforce Development to accept and expend a grant in the amount of $2,999,999 from the United States Department of Labor for the American Apprenticeship Initiative Grant for the period of October 1, 2015, to September 30, 2020; and amending Ordinance No. 129-15 (Annual Salary Ordinance FYs 2015-2016 and 2016-2017) to provide for the creation of one (1) Class 9774 Senior Community Development Specialist I grant-funded position (0.58 FTE) in the Office of Economic and Workforce Development.

December 09, 2015 Budget and Finance Committee - RECOMMENDED

December 15, 2015 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

January 12, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Cohen

File No. 151125

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/12/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

1/19/16
Date Approved

FILE NO. 150914

AMENDED IN COMMITTEE
1/25/2016

ORDINANCE NO. 7-16

GOVERNMENT
DOCUMENTS DEPT

MAY - 3 2016

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[Planning Code - Affordable Housing Review Process]

Ordinance amending the Planning Code to ~~permit~~ provide administrative review of affordable housing, permitting it as a principal use, and not requiring a Planning Commission hearing, with certain exceptions; ~~conditional use permit, Section 309 review or large project authorization for affordable housing, except where residential uses are prohibited by the zoning, located in RH zoning districts or on designated public open space or property under the jurisdiction of the Recreation and Parks Department; and~~ affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and general welfare findings under Planning Code, Section 302 ~~findings~~; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance ~~comply with~~ are categorically exempt from the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) under CEQA Guidelines Section

15060(c). Said determination is on file with the Clerk of the Board of Supervisors in File No. 150914 and is incorporated herein by reference. The Board affirms this determination.

(b) The actions contemplated in this ordinance are consistent, on balance, with the City's General Plan, in particular the policies set forth in the Housing Element, as follows.

OBJECTIVE 8: Build public and private sector capacity to support, facilitate, provide and maintain affordable housing.

POLICY 8.1: Support the production and management of permanently affordable housing.

An expedited process for the approval of 100% Affordable Housing supports the production and management of permanently affordable housing as these units would come online faster than the current regulatory process.

OBJECTIVE 10: Ensure a streamlined, yet thorough, and transparent decision-making process.

POLICY 10.1: Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.

POLICY 10.2: Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.

Providing a clear and certain administrative path for 100% Affordable Project allows the project to move forward without undue delays and relies on existing Planning Code sections which provide clear parameters for community review. ~~On _____ __, 2015, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.~~

(c) The actions contemplated in this ordinance are consistent, on balance, with the eight priority policies of Planning Code Section 101.1, as follows.

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced: The proposed amendments will not have a negative effect on neighborhood serving retail uses and will not affect opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods: The proposed amendments will not affect existing housing and neighborhood character as existing design controls still apply to these projects.

3. That the City's supply of affordable housing be preserved and enhanced: The proposed amendments will not affect the supply of affordable housing and in fact could produce units at a faster rate.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking: The proposed amendments will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced: The proposed amendments will not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake: The proposed amendments will not negatively affect

preparedness in the case of an earthquake.

7. That the landmarks and historic buildings be preserved: The proposed amendments will not negatively affect Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development: The proposed amendments will not affect the City's parks and open space and their access to sunlight and vistas.

(d) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and general welfare. ~~for the reasons set forth in Planning Commission Resolution No. _____ and the Board incorporates such reasons herein by reference, as though fully set forth herein.~~

Section 2. The Planning Code is hereby amended by adding Section 315. ~~revising Sections 202, 253, 309 and 329~~ to read as follows:

SEC. 315. AFFORDABLE HOUSING PROJECT AUTHORIZATION

(a) Purpose. The purpose of this Section 315 is to ensure that any project where the principal use is affordable housing, defined in subsection (b) as an Affordable Housing Project, is reviewed in coordination with relevant priority processing and design guidelines.

(b) Applicability. Notwithstanding anything to the contrary contained in this Planning Code, this Section 315 shall apply to any project where the principal use is housing comprised solely of housing that is restricted for a minimum of 55 years as affordable for "persons and families of low or moderate income," as defined in California Health & Safety Code Section 50093 (an "Affordable Housing Project"). The Affordable Housing Project shall be considered a principally permitted use and shall comply with the administrative review procedures set forth in this Section and shall not require conditional use authorization or a Planning Commission hearing that otherwise may be required by the Planning Code, provided that the site is not designated as public open space, is not under the jurisdiction of the Recreation and

Park Department, is not located in a zoning district that prohibits residential uses, or is not located in an RH zoning district.

(1) If a conditional use authorization or other Planning Commission approval is required for provision of parking, where the amount of parking provided exceeds the base amount permitted as accessory in Planning Code Article 1.5, such requirement shall apply.

(2) If an Affordable Housing Project proposes demolition or change in use of a general grocery store or movie theatre, this Section shall not apply.

(3) If a non-residential use contained in any proposed project would require conditional use authorization, such requirement shall apply unless the non-residential use is accessory to and supportive of the affordable housing on-site.

(c) Review Process.

(1) In lieu of any otherwise required Planning Commission hearing, the Planning Department shall administratively review and evaluate the physical aspects of an Affordable Housing Project and review such projects in coordination with relevant priority processing and design guidelines. An Affordable Housing Project may seek exceptions to Planning Code requirements that may be available through the Planning Code, including but not limited to sections 253, 303, 304, 309, and 329, without a Planning Commission hearing, and the Planning Department may permit such exceptions if it makes the findings otherwise required by the Planning Code.

(2) This administrative review shall be identical in purpose and intent to any Planning Commission review that would otherwise be required by the Planning Code, including but not limited to Sections 253, 303, 304, 309 or 329, and an Affordable Housing Project may seek the exceptions set forth in the Planning Code. If an Affordable Housing Project would otherwise be subject to such Planning Code provisions, the Planning Department shall consider all the criteria set forth in such Planning Code sections and shall

make all required findings in writing when it approves, modifies, conditions, or disapproves an Affordable Housing Project.

(3) Decision and Imposition of Conditions. The Planning Department, after making appropriate findings, may approve, disapprove or approve subject to conditions the Affordable Housing Project and any associated requests for exceptions. As part of its review and decision, the Planning Department may impose additional conditions, requirements, modifications, and limitations on a proposed Affordable Housing Project in order to achieve the objectives, policies, and intent of the General Plan or the Planning Code. Such approval or disapproval shall be made in writing and mailed to the project sponsor and individuals or organizations who so request.

(4) Change of Conditions. Once a project is approved, authorization of a change in any condition previously imposed by the Planning Department shall require approval by the Planning Director subject to the procedures set forth in this Section 315.

(5) Discretionary Review. This Section 315 is not intended to alter the procedures for requests for Discretionary Review by the Planning Commission.

~~**SEC. 202. USES PERMITTED BY THIS CODE.**~~

* * * *

~~(e) Notwithstanding anything to the contrary contained in this Planning Code, any project where the principal use is housing comprised solely of housing that is restricted for a minimum of 55 years as affordable for "persons and families of low or moderate income," as defined in California Health & Safety Code Section 50093, shall be considered a principally permitted use and shall not require conditional use authorization, permit review under Planning Code Section 309, authorization as a planned unit development or a large project authorization, provided that the site is not designated as public open space, is not under the~~

~~jurisdiction of the San Francisco Recreation and Park Department, or is not located in a zoning district that prohibits residential uses or in an RH zoning district. The City may develop, or cause to be developed, any project where the principal use is housing comprised solely of housing that is restricted for a minimum of 55 years as affordable for "persons and families of low or moderate income," as defined in California Health & Safety Code Section 50093, provided that the site is not designated as public open space, is not under the jurisdiction of the San Francisco Recreation and Park Department, or is not located in a zoning district that prohibits residential uses or in an RH zoning district. If a non-residential use contained in any proposed project would require conditional use authorization, permit review under Planning Code Section 309, authorization as a planned unit development or a large project authorization, such requirement would apply unless the non-residential use is accessory to and supportive of the affordable housing on site. Upon request, the Zoning Administrator shall make a written determination about whether a site is designated as public open space, which determination may be appealed to the Board of Appeals.~~

~~SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC DISTRICTS.~~

~~(a) Notwithstanding any other provision of this Code to the contrary, in any RH, RM, or RC District, established by the use district provisions of Article 2 of this Code, wherever a height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code; provided, however, that a~~

~~building over 40 feet in height in a RM or RC District with more than 50 feet of street frontage on the front façade is subject to the conditional use requirement.; and provided further any project where the principal use is housing comprised solely of housing that is restricted for a minimum of 55 years as affordable for "persons and families of low or moderate income," as defined in California Health & Safety Code Section 50093, and is not located in an RH zoning district or on a site designated as public open space or under the jurisdiction of the San Francisco Recreation and Park Department, shall not require conditional use authorization as described in this Section 253. If any non-residential uses contained in the project would require conditional use authorization, such requirement would apply unless the non-residential use is accessory to and supportive of the affordable housing on site. Upon request, the Zoning Administrator shall make a written determination about whether a site is designated as public open space, which determination may be appealed to the Board of Appeals.~~

~~(b) Commission Review of Proposals.~~

~~(1) In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.~~

~~(2) In reviewing a proposal for a building exceeding 50 feet in RM and RC districts, the Planning Commission may require that the permitted bulk and required setbacks~~

~~of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.~~

~~SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.~~

~~The provisions and procedures set forth in this Section shall govern the review of project authorization and building and site permit applications for (1) the construction or substantial alteration of structures in C-3 Districts, (2) the granting of exceptions to certain requirements of this Code where the provisions of this Section are invoked, and (3) the approval of open space and streetscape requirements of the Planning Code. When any action authorized by this Section is taken, any determination with respect to the proposed project required or authorized pursuant to CEQA may also be considered. This Section 309 shall not require review for any project where the principal use is housing comprised solely of housing that is restricted for a minimum of 55 years as affordable for "persons and families of low or moderate income," as defined in California Health & Safety Code Section 50093, provided that the site is not designated as public open space or under the jurisdiction of the San Francisco Recreation and Park Department. If any non-residential uses contained in the project would otherwise require review under this Section 309, such requirement would apply unless the non-residential use is accessory to and supportive of the affordable housing on-site. Upon request, the Zoning Administrator shall make a written determination about whether a site is designated as public open space, which determination may be appealed to the Board of Appeals. This Section 309 shall not require additional review in connection with a site or building permit application if review hereunder was completed with respect to the same proposed structure or alteration in connection with a project authorization application pursuant to Section 322.~~

* * * *

~~SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.~~

~~(a) Purpose. The purpose of this Section is to ensure that all large projects proposed in the Eastern Neighborhoods Mixed Use Districts are reviewed by the Planning Commission, in an effort to achieve the objectives and policies of the General Plan, the applicable Design Guidelines, and the purposes of this Code.~~

~~(b) Applicability.~~

~~(1) This Section 329 applies to all projects in the Eastern Neighborhoods Mixed Use Districts, except projects in the Western SoMa Special Use District, subject to Section 823(c)(12), that meet at least one of the following criteria:~~

~~(1 A) The project includes the construction of a new building greater than 75 feet in height (excluding any exceptions permitted per Section 260(b)), or includes a vertical addition to an existing building with a height of 75 feet or less resulting in a total building height greater than 75 feet; or~~

~~(2 B) The project involves a net addition or new construction of more than 25,000 gross square feet.~~

~~(2) This Section 329 shall not apply to any project where the principal use is housing comprised solely of housing that is restricted for a minimum of 55 years as affordable for "persons and families of low or moderate income," as defined in California Health & Safety Code Section 50093, and is not located on a site designated as public open space or under the jurisdiction of the San Francisco Recreation and Park Department. If any non-residential uses contained in the project otherwise would require large project authorization or conditional use authorization, such requirement would apply unless the non-residential use is accessory to and supportive of the affordable housing on site. Upon request, the Zoning~~

~~Administrator shall make a written determination about whether a site is designated as public open space, which determination may be appealed to the Board of Appeals.~~

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
KATE H. STACY
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 150914 **Date Passed:** February 09, 2016

Ordinance amending the Planning Code to provide administrative review of affordable housing, permitting it as a principal use, and not requiring a Planning Commission hearing, with certain exceptions; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and general welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

January 25, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

January 25, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

January 25, 2016 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

February 02, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Wiener
Noes: 1 - Yee

February 09, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 150914

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/9/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/10/16
Date Approved

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AMENDED IN COMMITTEE
1/27/16

FILE NO. 151226 ORDINANCE NO. 8-16

[Waiver of Certain Contract Requirements for Project Delivery Agreement for New Central Shops Facilities - Oryx Development I, LLC - $55,000,000 Project Cost; Interdepartmental Property Transfers]

Ordinance approving and authorizing the Director of Property of the General Services Agency's Real Estate Division ("RED") to execute a Project Delivery Agreement with Oryx Development I, LLC, a Nevada limited liability company ("Developer" or "Oryx") for the design and construction of proposed improvements to future City owned real estate at 555 Selby Street and 1975 Galvez Avenue (Assessors Block 5250, Lot 15, Assessors Block 5250, Lot 16), and tenant improvements to future City leased property at 450 Toland Street (Assessors Block 5230, Lot 18), to create new facilities for the relocation of the City's Central Fleet Maintenance Shop ("Central Shops") from 1800 Jerrold Street (portions of Assessors Blocks 5262 and 5270), with total anticipated project delivery cost of $55,000,000 from San Francisco Public Utilities Commission ("SFPUC") Wastewater Enterprise funds; exempting the project from certain contracting requirements in Administrative Code Chapter 6 by waiving the requirements of Administrative Code Sections 6.61(b) and 6.61(c)(1) – (4), and approving the selection of Oryx Development I, LLC as Developer, and Developer's selection of FM&E Architecture & Design as a Subcontractor to serve as the Project Architect and Charles Pankow Builders, Ltd. as a Subcontractor to serve as General Contractor, without competitive bidding; authorizing the jurisdictional transfer of 1800 Jerrold Street, from General Services Agency's Office of Contract Administration ("OCA") to the SFPUC Wastewater Enterprise, and the jurisdictional transfer of 555 Selby Street and 1975 Galvez Avenue, and the leasehold of 450 Toland Street, from the SFPUC to OCA, subject to the terms and conditions of the Memorandum of Understanding entered into between the RED, OCA and SFPUC; and finding the proposed transactions are in

conformance with the City's General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

A. Under companion legislation on file with the Clerk of the Board of Supervisors in File No. 151215 (the "Companion Resolution"), the Director of Property would be authorized to acquire real property located at 555 Selby Street and 1975 Galvez Avenue (Assessors Block 5250, Lot 15, Assessors Block 5250, Lot 16), and execute a lease for property located at 450 Toland Street (Assessors Block 5230, Lot 18) (collectively, the "Project Site") using SFPUC Wastewater Enterprise ("WWE") funds for WWE purposes. If the Companion Resolution and this Ordinance are adopted and final, jurisdiction over the Project Site would be transferred to OCA to create new facilities for the relocation of the City's Central Shops from 1800 Jerrold Avenue (portions of Assessors Blocks 5262 and 5270), to facilitate the timely jurisdictional transfer of 1800 Jerrold Avenue to the SFPUC Wastewater Enterprise.

B. In 1946, the City acquired real property for the construction of the North Point Sludge Treatment Plant near Islais Creek, now commonly known as the Southeast Water Pollution Control Plant ("Southeast Plant"), including purchase of Assessor's Block 5262 in its entirety, and later the City purchased the portion of Assessor's Block 5270 for that same purpose. Since the 1960's, the City's Central Shops, a facility providing repair services to the City's non-revenue vehicle fleet, has been located on a portion of Assessor's Block 5262, Lot

No. 009, with an address of 1800 Jerrold Avenue. The OCA holds jurisdiction over 1800 Jerrold Avenue, where the City's Department of Technology Public Safety Division is also located.

C. The City owned property at 1800 Jerrold Avenue is approximately 6 acres in size and located adjacent to the Southeast Plant. The Southeast Plant facilities are in need of substantial maintenance, repair and replacement, and the adopted WWE Capital Plan includes an allocation over the next ten years of $164,000,000 toward treatment plant improvements, together with various other allocations for repairs and replacements. The SFPUC seeks to secure a large parcel of land in proximity to the Southeast Plant to support capital improvements necessary to maintain essential utility services, and there is a very limited supply of such available land. OCA would consent to a jurisdictional transfer of 1800 Jerrold Avenue to the SFPUC, provided that OCA receives compensation sufficient to enable occupancy of functionally equivalent facilities and for necessary incurred relocation expenses.

D. The OCA, SFPUC and RED have entered into a Memorandum of Understanding, which is on file with the Clerk of the Board of Supervisors under File No. 151226 (the "MOU"), to establish the terms and conditions of such jurisdictional transfers. The City's Director of Property has determined that the current fair market value of 1800 Jerrold Avenue is less than the reasonable and necessary expense required to relocate Central Shops to facilities that are functionally equivalent to Central Shops' existing facilities, including property acquisition costs, rent, development, design and construction of replacement improvements.

E. City staff have developed a conceptual design for the Project Site that meets the operational needs of Central Shops, and involves the demolition of all existing improvements at 555 Selby Street and 1975 Galvez Avenue, and new construction of an approximately 54,000 square foot, 35-foot-high building to be used for maintenance and repair of medium

and heavy duty vehicles, such as fire trucks, heavy equipment transporters, dump trucks, and street sweepers, as well as for administrative offices, support functions, and employee amenities; and tenant improvements to 450 Toland Street modifying the existing approximately 45,000 square foot building's interior to provide for three functional programs (Light Duty Vehicle Shop, Body/Paint Shop, and Ladder Shop), associated building systems, and related employee amenities (collectively, the "Proposed Project"). The MOU provides that SFPUC will pay OCA not to exceed $55,000,000 for the cost of OCA's Proposed Project on the Project Site, inclusive of contingencies and Developer fee.

F. On October 28, 2015, the Planning Department's CEQA Coordinator Timothy Johnston issued a notice that this project is categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15332 (Infill Development, Class 32). The Planning Department, through General Plan Referral letter dated November 5, 2015, which is on file with the Clerk of the Board of Supervisors under File No. 151226, has verified that the City's acquisition of 1975 Galvez Avenue and 555 Selby Street, and lease of 450 Toland Street, together with the jurisdictional assignments and transfers noted herein, are all consistent with the General Plan and the Eight Priority Policies under the Planning Code Section 101.1.

G. Due to time constraints brought on by the challenges of finding suitable relocation sites for Central Shops in the current extraordinarily competitive real estate market for industrial land, and the SFPUC's pressing need for land to accommodate its WWE capital improvement program by the summer of 2017, the Director of Property informally approached entities capable of executing the Proposed Project and identified one team reasonably available and deemed capable of carrying out the Proposed Project within the time frame required and within the budget developed. The City and~~and Oryx, LLC,~~ the Developer, subsequently entered into negotiations for a Project Delivery Agreement (the "PDA") for Oryx to complete

the development, design and construction of the Proposed Project, subject to obtaining authorization to waive the competitive selection requirements in Administrative Code Chapter 6, Sections 6.61(b) and 6.61(c) (1) – (4).

H. Under the proposed PDA, Oryx shall enter into, manage, monitor, and oversee all contracts required to complete the Proposed Project for the City (the "Developer Services"). The Developer has selected, subject to City approval, FM&E Architecture and Design (the "Architect") as the architect and Charles Pankow Builders, Ltd, (the "General Contractor"), as the general contractor for the Proposed Project. The Developer shall negotiate, with assistance from the Director of Property consulting with the Director of Public Works, contracts with the Architect and the General Contractor for the design and construction of the Proposed Project. Such contracts, and all other contracts required for the completion of the Proposed Project (the "Project Contracts"), will be entered into by Developer as set forth in the proposed PDA.

I. The OCA, RED and SFPUC have determined that the design-build project delivery method is necessary and appropriate to achieve anticipated time efficiencies and that the use of the design-build project delivery method is in the public's best interest. The proposed PDA is a design-build agreement with two phases. During the first phase, for a negotiated price of not more than ten~~eight~~ million three~~four~~ hundred ~~thirty~~ thousand dollars ($810,300~~430~~,000), the Developer and its approved subcontractors will complete~~d~~ design of the proposed improvements, permitting and initial construction work to prepare the Project Site and install piles. The proposed PDA would obligate the Developer to design the project based on RED and OCA's budget of fifty five million dollars ($55,000,000), and in recognition of the City's desire to obtain beneficial occupancy by June 29, 2017. When its Architect completes 100% construction drawing to the City's satisfaction, the Developer will provide the City with a proposed Guaranteed Maximum Price and schedule establishing the duration for

completion of the construction work. If the Guaranteed Maximum Price does not exceed $55 million, and the schedule is acceptable, the City may authorize the second phase of the contract, and issue a Notice to Proceed to the Developer for the construction, subject to approval by the Mayor and Board of Supervisors, in their sole and separate discretion. If the Guaranteed Maximum Price of the Proposed Project exceeds the $55 million in SFPUC funds as provided in the MOU, then OCA and RED will work with the Developer to amend the scope of the Proposed Project to bring it within budget, or seek the Mayor and Board's approval of supplemental authorization.

J. Entering into the PDA with Oryx is appropriate and in the City's best interests. If the Proposed Project is developed, the City would functionally replace existing Central Shops at 1800 Jerrold Avenue with a state of the art facility in close proximity to the existing operation. The development would involve significant participation of local trades and businesses to bolster the local economy. ~~Based upon the information provided by the Office of Public Finance and the Real Estate Director~~The Proposed Project is required in order to meet the needs of the SFPUC Wastewater Enterprise capital program, as determined by the SFPUC in Commission Resolution No. 15-0241, and SFPUC is funding the Proposed Project under the terms of the MOU, therefore, the Board finds that the Proposed Project is exempt from the provisions of ~~financially feasible consistent with~~ Administrative Code Chapter 29, pursuant to Section 29.1(c)(4) of Chapter 29.

K. The SFPUC unanimously approved Resolution No. 15-0241 on November 10, 2015, authorizing the SFPUC General Manager to execute the MOU, subject to approval by the Board of Supervisors and the Mayor of the jurisdictional transfer of 1800 Jerrold Avenue to the SFPUC consistent with the terms of the MOU, and setting forth the total amount of costs to be incurred and paid by SFPUC of seventy three million, seven hundred thousand dollars ($73,700,000), which is the not to exceed sum agreed upon in the MOU to acquire and lease

the Project Site and complete necessary improvements and relocate Central Shops to functionally equivalent facilities. On December 8, 2015, the SFPUC will consider a revised resolution, consistent with this Ordinance, and if approved, that SFPUC resolution will be on file with the Clerk of the Board of Supervisors under File No. 151226. If both the proposed Companion Resolution and the Proposed Ordinance become effective, the Project Site acquired by the SFPUC will be placed under the jurisdiction of OCA, subject to the condition that if Central Shops fails to occupy, vacates, or ceases to use the acquired property for Central Shop functions (the "Triggering Event"), OCA will owe payment to SFPUC within thirty (30) days after the Triggering Event in an amount equal to the unamortized value of the acquisition and improvement cost of 555 Selby Street and 1975 Galvez Avenue. The amortization schedule shall be straight-line depreciation of land and improvements over thirty (30) years, commencing on the date of receipt of a Temporary Certificate of Occupancy ("TCO"), with a first year value of $50,000,000. For example purposes only, should the TCO date be June 1, 2017, and the Triggering Event date be June 1, 2037, the payment amount due SFPUC shall be $16,666,666 (20 years of 30 years total = 0.33 remaining life, $50,000,000 x 0.33 = $16,666,666).

L. The Director of Property, SFPUC General Manager, and Director of Purchasing all recommended to the Mayor that the SFPUC can more advantageously use 1800 Jerrold Avenue and that jurisdiction to 1800 Jerrold Avenue be transferred to SFPUC, and that jurisdiction to the Project Site be assigned to OCA, in accordance with the terms and conditions of the MOU.

Section 2. Waiver of Administrative Code Chapter 6, Section 6.61 (b) and 6.61(c) (1) – (4). The Board of Supervisors recognizes that this Proposed Project is slated to occur at one of the most robust construction periods in the history of San Francisco, and as such, there are limited availabilities of design and construction teams led by a developer entity willing and

able to perform the Proposed Project within the budget and timeline provided by the City. Accordingly, the design and construction of the Proposed Project by Developer shall not be subject to the requirements of Administrative Code Chapter 6, Sections 6.61(b) and 6.61(c)(1) – (4), which would otherwise require a competitive selection process for the proposed design-build PDA. The Board of Supervisors approves the selection of the Developer, the Architect, and the General Contractor as set forth in the PDA, without competitive bidding, and authorizes OCA and RED to enter into the proposed PDA, subject to the Mayor's approval. Competitive bidding for subcontracting opportunities shall be as set forth in the subcontract between Developer and the General Contractor, as approved by the City in accordance with the terms of the proposed PDA, and that subcontract will comply with the procedures and requirements regarding procurement of trade work (subcontractors) consistent with Administrative Code Chapter 6, Section 6.61(c)(5). The proposed PDA shall also require compliance with Administrative Code Chapter 6, Sections 6.61, subsections (d) (e) (f) and (g), among other provisions, which incorporate by reference City requirements governing contract terms and working conditions in Administrative Code Chapter 6, Section 6.22, including but not limited to provisions for Insurance, Prevailing Wage, Local Hiring, Liquidated Damages, Bonds, City Right to Terminate for Convenience, Employment of Apprentices, Contractor Prompt Payment to Subcontractors, and Administrative Code Chapters 12 and 14.

Section 3. Jurisdictional Transfers between SFPUC and OCA. The Planning Department, through General Plan Referral letter dated November 5, 2015 ("Planning Letter"), which is on file with the Clerk of the Board of Supervisors under File No. 151226, has verified that the City's acquisition of 1975 Galvez Avenue and 555 Selby Street, and lease of 450 Toland Street, together with the jurisdictional assignments and transfers noted herein, are all consistent with the General Plan and the Eight Priority Policies under the Planning Code Section 101.1. The Board finds that the Proposed Project, and jurisdictional transfers of 1800

Jerrold Avenue from OCA to SFPUC and the Project Site from SFPUC to OCA, subject to the terms and conditions of the MOU, is consistent with the City's General Plan and Eight Priority Policies of Planning Code Section 101.1 and incorporates the Planning Letter by this reference as though fully set forth in this Ordinance. Based on the recommendation of the Directors of Property and Purchasing, the SFPUC General Manager, and the Mayor, the jurisdiction of 1800 Jerrold Avenue shall be transferred to the SFPUC, and the jurisdiction of the Project Site shall be transferred to OCA, subject to the terms and conditions of the MOU.

Section 4. Additions, Amendments, and Modifications. The Board of Supervisors authorizes the Director of Property to enter into any additions, amendments, or other modifications to the PDA, and any other documents or instruments in connection with same, that the Director of Property and the City Administrator determine, following consultation with the City Attorney, are in the City's best interests, do not materially decrease the City's benefits or materially increase the City's obligations or liabilities, and are appropriate and advisable to complete the proposed transaction, such determination to be conclusively evidenced by the execution and delivery by the Director of Property and the City Administrator of any such additions, amendments, or other modifications.

Section 5. Effective and Operative Dates. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance. This ordinance shall

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become operative upon its effective date or upon adoption of the Companion Resolution, whichever is later.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: N Ambrose
Noreen Ambrose
Deputy City Attorney

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151226 **Date Passed:** February 09, 2016

Ordinance approving and authorizing the Director of Property of the General Services Agency's Real Estate Division ("RED") to execute a Project Delivery Agreement with Oryx Development I, LLC, a Nevada limited liability company ("Developer" or "Oryx"), for the design and construction of proposed improvements to future City owned real estate at 555 Selby Street and 1975 Galvez Avenue (Assessor's Block No. 5250, Lot No. 15, Assessor's Block No. 5250, Lot No. 16), and tenant improvements to future City leased property at 450 Toland Street (Assessor's Block No. 5230, Lot No. 18), to create new facilities for the relocation of the City's Central Fleet Maintenance Shop ("Central Shops") from 1800 Jerrold Street (portions of Assessor's Block Nos. 5262 and 5270), with total anticipated project delivery cost of $55,000,000 from San Francisco Public Utilities Commission ("SFPUC") Wastewater Enterprise funds; exempting the project from certain contracting requirements in Administrative Code, Chapter 6, by waiving the requirements of Administrative Code, Sections 6.61(b) and 6.61(c)(1) - (4), and approving the selection of Oryx Development I, LLC as Developer, and Developer's selection of FM&E Architecture & Design as a Subcontractor to serve as the Project Architect, and Charles Pankow Builders, Ltd. as a Subcontractor to serve as General Contractor, without competitive bidding; authorizing the jurisdictional transfer of 1800 Jerrold Street, from General Services Agency's Office of Contract Administration ("OCA") to the SFPUC Wastewater Enterprise, and the jurisdictional transfer of 555 Selby Street and 1975 Galvez Avenue, and the leasehold of 450 Toland Street, from the SFPUC to OCA, subject to the terms and conditions of the Memorandum of Understanding entered into between the RED, OCA and SFPUC; and finding the proposed transactions are in conformance with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

January 27, 2016 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

January 27, 2016 Budget and Finance Committee - RECOMMENDED AS AMENDED

February 02, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 8 - Breed, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

Noes: 3 - Avalos, Campos and Peskin

February 09, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 8 - Breed, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

Noes: 3 - Avalos, Campos and Peskin

File No. 151226

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/9/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/10/16
Date Approved

GOVERNMENT
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FILE NO. 151250 MAY - 3 2016 ORDINANCE NO. 9-16

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[Settlement of Lawsuits - 765 Market Street Residential Owners Association - City to Consider Pedestrian and Traffic Improvements]

Ordinance authorizing settlement of the lawsuits filed by 765 Market Street Residential Owners Association, et al., against the City and County of San Francisco; the first lawsuit was filed on August 16, 2013, in Sacramento Superior Court, Case No. 34-2013-80001609 and then transferred to San Francisco Superior Court, Case No. CPF-14-513433, and appealed to the First Appellate District for the Court of Appeal of the State of California, Case No. A143980, entitled 765 Market Street Residential Owners Association, et al. v. City and County of San Francisco, et al.; the second lawsuit was filed on June 19, 2014, in San Francisco Superior Court, Case No. CPF-14-540094, and appealed to the First Appellate District for the Court of Appeal of the State of California, Case No. A143983, entitled 765 Market Street Residential Owners Association, et al. v. City and County of San Francisco, et al.; material terms of said settlement include the City's commitment to initiate consideration of installing of a crosswalk at Third Street and Stevenson Street, revising signal timing and offsets on Third Street, and relocating the pedestrian signal at Third Street; and the commitment of Real Party in Interest, 706 Mission Street Co., LLC, to donate $100,000 to the City to offset costs to fund the improvements if they are approved by the City.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the actions entitled 765 Market Street Residential Owners Association, *et al.* v. City and County of San Francisco, *et al.*, First Appellate District for the Court of Appeal of the State of California, A143980 (San Francisco Superior Court,

Case No. CPF-14-513433), and 765 Market Street Residential Owners Association, *et al.* v. City and County of San Francisco, *et al.*, First Appellate District for the Court of Appeal of the State of California, A143983 (San Francisco Superior Court, Case No. CPF-14-540094), by the material terms as set forth in the Settlement Agreement contained in Board of Supervisors File No. 151250. The material terms of the Settlement Agreement include the City's agreement to consider installation of a crosswalk at Third Street and Stevenson Street, revision of signal timing and offsets on Third Street, and relocation of the pedestrian signal at Third Street and, if appropriate, to recommend approval by the Municipal Transportation Agency. If approved, Real Party in Interest, 706 Mission Street Co., LLC, has committed to donate $100,000 to the City to offset costs of the improvements.

Section 2. The first action described above was filed in Sacramento Superior Court on August 16, 2013, and the following parties were named in the lawsuit: Petitioners 765 Market Street Residential Owners Association, Friends of Yerba Buena, Paul Sedway, Ron Wornick, Matthew Schoenberg, Joe Fang, and Margaret Collins; Respondents City and County of San Francisco, and Successor Agency to the Redevelopment Agency of the City and County of San Francisco; and numerous Real Parties in Interest including 706 Mission Street Co., LLC, Millennium Partners, and the Mexican Museum. The second action described above was filed in San Francisco Superior Court on June 19, 2014, and the following parties were named in the lawsuit: Petitioners 765 Market Street Residential Owners Association, Friends of Yerba Buena, Paul Sedway, Ron Wornick, Matthew Schoenberg, Joe Fang, and Margaret Collins; Respondents City and County of San Francisco; and numerous Real Parties in Interest including Successor Agency to the Redevelopment Agency of the City and County of San Francisco, 706 Mission Street Co., LLC, Millennium Partners, and the Mexican Museum.

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APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA
City Attorney

ROBB W. KAPLA
Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS

MOHAMMED NURU
DIRECTOR

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151250 **Date Passed:** February 09, 2016

Ordinance authorizing settlement of the lawsuits filed by 765 Market Street Residential Owners Association, et al., against the City and County of San Francisco; the first lawsuit was filed on August 16, 2013, in Sacramento Superior Court, Case No. 34-2013-80001609 and then transferred to San Francisco Superior Court, Case No. CPF-14-513433, and appealed to the First Appellate District for the Court of Appeal of the State of California, Case No. A143980, entitled 765 Market Street Residential Owners Association, et al. v. City and County of San Francisco, et al.; the second lawsuit was filed on June 19, 2014, in San Francisco Superior Court, Case No. CPF-14-540094, and appealed to the First Appellate District for the Court of Appeal of the State of California, Case No. A143983, entitled 765 Market Street Residential Owners Association, et al. v. City and County of San Francisco, et al.; material terms of said settlement include the City's commitment to initiate consideration of installing of a crosswalk at Third Street and Stevenson Street, revising signal timing and offsets on Third Street, and relocating the pedestrian signal at Third Street; and the commitment of Real Party in Interest, 706 Mission Street Co., LLC, to donate $100,000 to the City to offset costs to fund the improvements if they are approved by the City.

January 21, 2016 Government Audit and Oversight Committee - RECOMMENDED..

February 02, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 09, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151250

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/9/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/10/16
Date Approved

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AMENDED IN COMMITTEE
1/20/16

FILE NO. 150874 ORDINANCE NO. 10-16

[Administrative Code - Prevailing Wages for Broadcast Services on City Property]

Ordinance amending the Administrative Code to require that prevailing wages be paid for broadcast services work on City property.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Administrative Code is hereby amended by revising Section 21C.7 and adding Section 21C.9, to read as follows:

SEC. 21C.7. STANDARD PROVISIONS GOVERNING THE PREVAILING RATE OF WAGES, WORKER RETENTION, AND USE OF EMPLOYEES FOR WORK UNDER CITY CONTRACTS FOR CERTAIN SERVICES.

* * * *

(b) Definitions. For purposes of this ~~*Section*~~ *Chapter 21C*, the following definitions shall apply to the terms used herein.

* * * *

"Covered Contract" shall mean an agreement between the City and a Contractor for the following services: "Motor Bus Services" as defined in Section 21C.1, subject to the provisions of Section 21C.1; "Janitorial Services" as defined in Section 21C.2; "Public Off-Street Parking Lots, Garages, or Storage Facilities for Automobiles" as defined in Section 21C.3; "Theatrical Services" as defined in Section 21C.4; "Solid Waste Generated By The City In Course of City Operations" as defined in Section 21C.5; "Moving Services" as defined in

Section 21C.6; ~~and~~ "Trade Show and Special Event Work" as defined in Section 21C.8; *and "Broadcast Services" as defined in Section 21.C.9*.

* * * *

"Permit" shall mean a permit to use City property, and shall include a permit to use a public right of way, including a street or sidewalk encroachment permit or closure permit, including but not limited to an ISCOTT (Interdepartmental Staff Committee on Traffic and Transportation) permit.

SECTION 21C.9. PREVAILING RATE OF WAGES REQUIRED FOR BROADCAST SERVICES WORKERS ON CITY PROPERTY.

(a) ***Prevailing Wage Requirement****. Every Contract, Lease, Franchise, Permit, or Agreement awarded, let, issued, or granted by the City for the use of property owned by the City must require that any Individual engaged in Broadcast Services on City property be paid not less than the Prevailing Rate of Wages, including fringe benefits or the matching equivalents thereof, paid in private employment for similar work in the area in which the Contract, Lease, Franchise, Permit, or Agreement is being performed. All Contracts, Leases, Franchises, Permits, or Agreements subject to this Section 21C.9 shall include a provision in which the Contractor agrees to comply with, and to require Subcontractors to comply with, the obligations imposed by this Section.*

(b) ***Definitions.*** *For purposes of this Section 21C.9, the following definitions shall apply to the terms used herein:*

"Broadcast Services" shall mean the electronic capture and/or live transmission on-site of video, digital, and/or audio content for Commercial Purposes through the use of a remote production or satellite truck on-site. An individual engaged in Broadcast Services includes, but is not limited to, a technical director, video controller, assistant director, and stage manager, as well as individuals engaged in the following functions: audio; camera; capture and playback; graphics; and utility.

"Commercial Purposes" shall mean an operation for profit and shall not include instances where the capture and transmission of video, digital, and/or audio content is performed by or on behalf of a governmental entity.

"Contract, Lease, Franchise, Permit, or Agreement" shall mean an agreement with the City for the use of property owned by the City, but shall not include any contract, lease, franchise, permit, or agreement:

(1) For any event where the total number of hours of Broadcast Services work being performed for the *set-up, the event itself, and the take-down is* ~~cumulatively~~ *less than* ~~25~~ ten *hours* in the aggregate*;*

(2) For celebration of a marriage, domestic partnership, or similar civil union, except where the capture of video, digital and/or audio content of the celebration is for a Commercial Purpose;

(3) To engage in film production pursuant to Chapter 57 of this Code or under the circumstances set forth in Section 57.7 of this Code; provided, however, that if the film production involves Broadcast Services, the requirements of this Section 21C.9 shall apply to those persons engaged in Broadcast Services;

(4) In any circumstance where application of this Section 21C.9 would be preempted by federal or state law;

(5) For a street fair, block party, parade, or festival, or any celebration directly associated with such street fair, block party, parade, or festival, or any other expressive activity such as a protest, demonstration, or similar public assembly, that is free and open to the public and does not have as a primary purpose the advertising or promotion of a commercial product or commercial service;

(6) For any event that requires the payment of prevailing wage rates applicable to public works projects;

(7) In any circumstances where video and/or audio content is being captured solely for personal use;

(8) For a concert in a public park to which the public has free access;

(9) For any event sponsored by a nonprofit entity where the primary purpose of the event is fundraising for that nonprofit entity and/or other nonprofit entities; provided, however, that this exemption shall not apply if the event is a collegiate sporting event or a professional sporting event. For purposes of this subsection (b)(9), "professional sporting event" means an event at which athletes receive compensation for their performance;

(10) In any circumstance where application of this Section 21C.9 would apply to work covered by a collective bargaining agreement; or

(11) For any event sponsored by a primary or secondary educational institution.

(c) ***Preemption.*** *Nothing in this Section 21C.9 shall be interpreted or applied so as to create any right, power, or duty in conflict with any federal or state law.*

(d) ***Conflict with Other Sections.*** *In the event of a conflict between this Section 21C.9 and any other section of this Chapter 21C, the other section shall prevail.*

(e) ***Operative Date and Application.***

(1) This Section 21C.9 shall become operative upon the initial setting of a Prevailing Rate of Wages for Broadcast Services Work by the Board of Supervisors. This initial Prevailing Rate of Wages shall be set in accordance with the process established in Section 21C.7(c)(1), except the Civil Service Commission shall submit to the Board of Supervisors data as to the Prevailing Rate of Wages no later than 120 days after the effective date of this Section 21C.9. Thereafter, the Commission shall submit data as to the Prevailing Rate of Wages for Broadcast Services Work on or before the first Monday in November each year in accordance with Section 21C.7(c)(1).

(2) This Section 21C.9 is intended to have prospective effect only, and shall not be interpreted to impair the obligations of any pre-existing Contract, Lease, Franchise, Permit, or

Agreement issued or entered into by the City. This Section shall only apply to Contracts, Leases, Franchises, Permits, or Agreements issued or entered into on or after the operative date of this Section.

*(f) **Exemption.** This Section 21C.9 shall not apply to Broadcast Services being performed by a news service or similar entity engaged in on-the-spot broadcasting of news events that does not require a Contract, Lease, Franchise, Permit, or Agreement.*

*(g) **Severability.** If any provision or provisions of this Section 21C.9 or any application thereof is held invalid, such invalidity shall not affect any other provisions or applications of the Section.*

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance. However, as indicated in Administrative Code Section 21C.9(e), Section 21C.9 shall become operative only upon the initial setting by the Board of Supervisors of a Prevailing Rate of Wages for the categories of work covered by those sections.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Francesca Gessner
FRANCESCA GESSNER
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 150874 **Date Passed:** February 02, 2016

Ordinance amending the Administrative Code to require that prevailing wages be paid for broadcast services work on City property.

December 09, 2015 Budget and Finance Committee - CONTINUED

January 20, 2016 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

January 20, 2016 Budget and Finance Committee - RECOMMENDED AS AMENDED

January 26, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 02, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 150874

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/2/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo

Angela Calvillo
Clerk of the Board

Mayor

2/10/16

Date Approved

DOCUMENTS DEPT

FILE NO. 151105 MAY - 3 2016 ORDINANCE NO. 11-16

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[Administrative Code - Graffiti Advisory Board Membership]

Ordinance amending the Administrative Code to modify the composition of the Graffiti Advisory Board, renumber code sections, and provide sunset date.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 5, Article XVIII of the Administrative Code is hereby amended by revising Section 5.170, and renumbering Sections 5.170 through 5.174 as Sections 5.18-1 through 5.18-5, to read as follows:

ARTICLE XVIII:

GRAFFITI ADVISORY BOARD

Sec. 5.~~170~~*18-1*. Graffiti Advisory Board – Established.

Sec. 5.~~171~~*18-2*. Organization.

Sec. 5.~~172~~*18-3*. Purpose and Duties.

Sec. 5.~~173~~*18-4*. Staffing for the Graffiti ~~*Task Force*~~*Advisory Board*.

Sec. 5.~~174~~*18-5*. Compensation.

Sec. 5.18-6. Sunset Date.

SEC. 5.~~17~~18-1. GRAFFITI ADVISORY BOARD – ESTABLISHED.

(a) There shall be a Graffiti Advisory Board *("Advisory Board")* consisting of 25 voting members, as set forth in this *S*~~s~~ection *5.18-1*. This Board shall be advisory to the Board of Supervisors about the problem of graffiti in neighborhoods and the downtown area of San Francisco. The Advisory Board shall also advise the Mayor and the Board of Supervisors about graffiti enforcement, cleanup, and prevention strategies.

(b) There shall be 25 voting members of the ~~Graffiti~~ Advisory Board, who shall be appointed as follows:

(1) The Mayor, or his or her designee;

(2) Eleven persons appointed by individual ~~m~~*M*embers of the Board of Supervisors*, with each Member of the Board of Supervisors making one appointment,* to serve a term of two years~~*, at the pleasure of the appointing Supervisor*~~. These appointments shall be effective when written notice of the appointment is received by the Clerk of the Board of Supervisors;

(3) The Board of Supervisors shall appoint the following members, who shall serve a term of two years:

(A) One *employee, officer, or* member ~~*representing*~~ *of a* youth group~~*s*~~ ~~*who*~~ *that* provide*s* services for juveniles involved in alternative programs for graffiti diversion,

(B) One *employee, officer, or* member ~~*representing*~~ *of a* nonprofit organization~~*s*~~ ~~*who*~~ *that* provide*s* services related to the City's beautification and neighborhood cleanup programs,

(C) Two members representing businesses ~~*who*~~ *that* operate in San Francisco, one of ~~*which*~~ *whom* must ~~*be a property owner*~~ *own the property where his or her business operates*,

(D) One ~~*member representing*~~ *employee or officer of a* private school~~*s*~~ or art school~~*s*~~ ~~*who*~~ *that* operate*s* in San Francisco, ~~*and*~~

(E) One ~~*member representing*~~ *employee or officer of* the contracting agency for Municipal Railway shelters*, and* ~~.~~

(F) One at-large member.

(4) The following officials and organizations shall each appoint one member ~~*to serve on the Advisory Board*~~*, who shall serve a term of two years*:

(A) The ~~*General Manager of the Municipal Railway*~~ *Director of Transportation of the Municipal Transportation Agency*,

(B) The Director of Public Works,

~~*(C) The Executive Director of the Department of Parking and Traffic,*~~

(~~*D*~~*C*) The General Manager of the Recreation and Park Department,

(~~*E*~~ *D*) The District Attorney,

(~~*F*~~ *E*) The Chief of Police, and

(~~*G*~~ *F*) The Board of Education of the San Francisco Unified School District may appoint one member. If the Board of Education fails to appoint a member within 60 days of a vacancy, the Board of Supervisors shall appoint a student, teacher, or member of the San Francisco Unified School District academic branch.

Each member of the Advisory Board shall serve at the pleasure of the member's appointing authority and may be removed by the appointing authority at any time.

(c) The members of the Advisory Board shall be broadly representative of the ethnic, racial, gender, age and sexual orientation diversity of the City and County. ~~*All members of the Advisory Board shall be residents of the City and County of San Francisco, in accordance with Section 4.101 of the Charter.*~~ In making appointments to the Advisory Board, the appointing authorities shall appoint persons from varying backgrounds who have demonstrated abilities, skills, or experience with youth or addressing blight in neighborhoods.

(d) Any member other than the Mayor or his or her designee who misses three meetings of the Advisory Board within a six-month period, without the express approval of the Advisory Board at or before each missed meeting, shall be deemed to have resigned from the Advisory Board ten days after the third unapproved absence. The Advisory Board shall inform the Clerk of the Board of Supervisors of each such resignation.

SEC. 5.~~17~~18-2. ORGANIZATION.

a) In the event a vacancy occurs, a successor shall be appointed to fill the vacancy consistent with the process and requirements to appoint the previous appointee.

(b) The initial meeting of the Advisory Board shall be called within 30 days from the day the Board of Supervisors completes its initial appointments*, and the Advisory Board shall meet at least once every four months thereafter*.

(c) The members of the Advisory Board shall designate the Chair of the Advisory Board.

SEC. 5.~~17~~18-3. PURPOSE AND DUTIES.

The Graffiti Advisory Board shall have the duty to:

(a) Prepare and submit to the Board of Supervisors and the Mayor a report every six months on graffiti as it affects neighborhoods and the downtown area of San Francisco, which shall include a review and evaluation of the services and programs in place to respond to graffiti, prevention strategies, and recommendations and plans as to a consolidated program of public and private efforts;

(b) Advise about the coordination of information, activities*,* and goals among existing programs funded by the City and County and privately sponsored programs*; and*

(c) Advise about improving the efficiency in the provision of graffiti enforcement, prevention*,* and clean-up services.

SEC. 5.~~173~~*18-4*. STAFFING FOR THE GRAFFITI ~~TASK FORCE~~ *ADVISORY BOARD*.

The Department of Public Works shall provide in-kind professional and administrative staff to the Advisory Board.

SEC. 5.~~174~~*18-5*. COMPENSATION.

Members of the ~~Task Force~~ *Advisory Board* shall not be compensated, nor shall they be reimbursed for expenses.

SEC. 5.18-6. SUNSET DATE.

Unless the Board of Supervisors by ordinance extends the term of the Advisory Board, this Article XVIII shall expire by operation of law, and the Advisory Board shall terminate, three years after the effective date of Ordinance No. **11-16** *After that date, the City Attorney shall cause this Article to be removed from the Administrative Code.*

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
BRADLEY A. RUSSI
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151105 **Date Passed:** February 02, 2016

Ordinance amending the Administrative Code to modify the composition of the Graffiti Advisory Board, renumber code sections, and establish a sunset date of three years from the effective date of this Ordinance.

January 14, 2016 Rules Committee - RECOMMENDED

January 26, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 02, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151105

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/2/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/10/16
Date Approved

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AMENDED IN COMMITTEE
1/20/16

FILE NO. 151210 ORDINANCE NO. 12-16

[Lease Amendment – Coit Tower, LLC – Lease and Operation of Coit Tower]

Ordinance approving the amendment to the lease with Coit Tower, LLC for the operation of Coit Tower to allow a service charge for online elevator ticket sales in addition to the general fees for elevator tickets provided in Park Code Section 12.06, allow the sale of food and beverage from a kiosk exterior to Coit Tower on a part of a vacated street or other space designated by the Recreation and Park Department General Manager if the street is not vacated, provide an ongoing rent credit of up to $9,500 per month for increased mural protection staffing, provide a short term rent credit of up to $7,000 per month on account of delay in identifying a food service premises, allow a retroactive and ongoing credit for credit card fees associated with elevator tickets purchased by visitors, and amend the lease in certain other respects; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources

Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 151210 and is incorporated herein by reference. The Board affirms this determination.

(b) On October 27, 2015, the Planning Department determined that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts this determination as its own. A copy of said determination is on file with the Clerk of the Board of Supervisors in File No. 151210, and is incorporated herein by reference.

Section 2. Approval of Lease Amendment for Coit Tower.

(a) Findings.

(1) The City and County of San Francisco (City) owns, and the Recreation and Park Department (Department) operates and maintains, the land and improvements commonly known as Coit Tower. In 1934, a group of artists supported by the Public Works of Art Project, a forerunner of the Works Progress Administration, painted a series of murals portraying daily life in California during the Great Depression. The murals constitute the most important asset of the building and are maintained and managed by the San Francisco Arts Commission. The Department works closely with the Arts Commission to best understand and implement the proper protocols that need to be adhered to in order to best protect the murals in accordance with the mural protection guidelines developed for the Department by the Arts Commission.

(2) The City and Coit Tower, LLC (Tenant) entered into a lease, dated February 1, 2014 (the "Lease"), for the lease and management of the elevator and bookstore operations at Coit Tower. The Lease requires Tenant to implement a docent program under which a docent would be on duty during all hours Coit Tower is open to the public to greet

visitors, educate guests about the murals, inform guests about rules governing mural viewing, and observe visitors in the lobby and remind them of the viewing rules (backpacks and other items to be carried in front, no food or drink, no touching, etc.), and the Lease provides a credit against the monthly rent in the amount of $3,333.33, adjusted annually by CPI, for each full calendar month in which Coit Tower, LLC, provides the required docent service.

(3) The Lease provides anticipated revenue to the City of more than one million dollars and therefore, the Lease and its modification requires Board of Supervisors approval pursuant to San Francisco Charter, Article IX, Section 9.118, subsection (c). The Board of Supervisors approved the Lease by Board of Supervisors Resolution No. 42-14.

(4) The Lease also requires Tenant to protect the murals in Coit Tower. Tenant, in consultation with the Department, has determined that the appropriate level of staffing for mural protection is greater than the levels originally contemplated by the Lease. Additional staff is required to adequately monitor lines and visitor flow, remind visitors of the mural guidelines, and provide visitor engagement and visitor education regarding the murals and their history. Since the actual staffing demands are much higher than anticipated by the Department or Tenant when the Lease was negotiated, Tenant did not budget for the additional staffing at the time the parties entered into the Lease. The Department is proposing to amend the Lease to offer Tenant a mural protection staffing credit in the amount of $9,500 per month to offset the financial burden on the Tenant of the additional staff needed to provide enhanced mural protection. This amount reflects Tenant's cost per month of between 2.5 and 4 FTE of additional staff, depending on the day and season. The Department shall evaluate the effectiveness of the enhanced mural staffing and make a report to the Board of Supervisors by January 31, 2017. Any future increases to the enhanced mural staffing credit shall be approved by the Board of Supervisors. ~~The amount of the credit may be adjusted by the General Manager of the Department if, as a result of a future significant increase in~~

~~visitorship or docent tours of the murals, the Tenant reasonably determines that it must provide additional staffing beyond the staffing currently contemplated for mural protection~~.

(5) Section 7.2(i) of the Lease provides that Department staff will explore the demand and desire for food and beverage service at or adjacent to Coit Tower. The Department has concluded its review, and has identified an area near Coit Tower as a desirable location for a kiosk for light food and beverage service. The location is presently part of Greenwich Street. The Department proposes amending the Lease to add such location to the premises if City elects in the future to vacate for public street purposes that portion of Greenwich Street comprising the proposed additional premises, and to allow food and beverage operations from such location. Any such vacation will be made, if at all, at the sole discretion of City's Board of Supervisors following completion of the requisite environmental review process and only if the Board of Supervisors in its sole discretion makes the findings required for summary vacation required by the California Street and Highways Code and in accordance with the provisions of San Francisco Public Works Code Section 787 and such rules and conditions adopted by the Board of Supervisors (the "Vacation Action"). The Department further proposes that if the Board of Supervisors does not take the Vacation Action, then Department staff and Tenant will continue to explore possible locations for food and beverage service in the vicinity, and that the Lease be amended to provide that the General Manager of the Department may elect to substitute other space as the location of the food and beverage service kiosk. The General Manager would not designate any substitute space unless and until any required environmental review of the proposed substitute space has been conducted in compliance with the California Environmental Quality Act.

(6) To account for the adverse impact on Tenant's business operations resulting from the delay in confirming the desire for food and beverage service and identifying a location on which such service can be provided, the Department proposes to provide a partial rent credit

in the amount $5,000 per month for the period commencing retroactively on December 1, 2014 and ending on the date immediately preceding the effective date of the Lease amendment and in the amount of $7,000 per month for the period commencing on the effective date of the Lease amendment and ending on the earlier of July 31, 2016~~2017~~, 60 days after the additional premises are added to the Lease, or the first day of Tenant's sales from the proposed additional premises.

(7) Under the terms of the Lease, Tenant pays percentage rent at the rate of 90% on the gross receipts from elevator ticket sales. Tenant must pay certain credit card fees associated with elevator tickets purchased by visitors with credit cards. The definition of gross receipts does not exclude credit card fees, so the Tenant is currently required to absorb all of the credit card fees in Tenant's remaining 10% of elevator ticket gross receipts (rather than the fees being proportionately allocated between the Department and the Tenant). The Department proposes to amend the Lease definition of gross receipts to exclude the fees paid by Tenant to the issuers of credit cards to the extent attributable to the sale of elevator tickets and to provide a credit against rent payable under the Lease in the amount of the credit card fees paid by Tenant attributable to elevator ticket sales, commencing retroactively as of July 1, 2014.

(8) In addition to percentage rent based on elevator ticket sales, under the terms of the Lease, Tenant must pay a percentage of rent on gross receipts for merchandise sales, audio tours and binocular rentals, telescopic viewers, student or docent led tours, and admission receipts. The Department proposes to amend the Lease to require the Tenant to pay percentage rent at the rate of 10% on gross receipts from the sale of food and beverages.

(8~~9~~) San Francisco Park Code Section 12.06 sets forth the fee to be charged for admission to the Coit Tower elevator. The Park Code does not provide for an additional convenience fee or service charge for elevator tickets purchased online. Guests to Coit Tower

do not have the ability to purchase a ticket online for the elevator or to reserve a specific time. The Department has determined that authorizing Tenant to pre-sell elevator tickets and possibly to sell timed tickets will help to control guest flow and encourage sales during the off peak hours. The costs associated with such a service were not contemplated in the Lease. The Department proposes amending the Lease to provide that Tenant may charge a service charge of $1.00 for online ticket sales in addition to the general rates for elevator tickets, with increases in the online service charge to be reasonable and competitively priced with service fees for online ticketing for similar attractions in San Francisco, and to be subject to the prior written approval of the General Manager.

(~~9~~10) On November 19, 2015, by Recreation and Park Commission Resolution No. 1511-009, a copy of which is on file with the Clerk of the Board of Supervisors in File No. 151210, the Recreation and Park Commission recommended that the Board of Supervisors approve the proposed lease amendment.

(b) Approval.

The Board of Supervisors hereby approves and authorizes the execution of the First Amendment to Lease in substantially the form on file with the Clerk of the Board of Supervisors in File No. 151210 (the First Amendment), for the enhanced mural protection staffing credit, the addition of space to the premises under the Lease following the Vacation Action or designation by the General Manager of the Department of other additional space following review and consideration in compliance with the California Environmental Quality Act, a short-term rent credit on account of delay in identifying food service premises, a credit for credit card servicing fees payable by Tenant attributable to elevator ticket sales, percentage rent based on the sale of food and beverages, the collection by Tenant of a

service fee for online elevator ticket sales not otherwise authorized under San Francisco Park Code Section 12.06, and the other matters described in the First Amendment.

(c) Submittal.

Within 30 days of the First Amendment being executed by all parties, the Department shall submit to the Clerk of the Board of Supervisors a completely executed copy of the First Amendment for inclusion in File No. 151210. This requirement and obligation resides with the Department, and is for purposes of having a complete file only, and in no manner affects the validity of the approved First Amendment.

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Robert A. Bryan
Deputy City Attorney

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151210 **Date Passed:** February 02, 2016

Ordinance approving the amendment to the lease with Coit Tower, LLC, for the operation of Coit Tower to allow a service charge for online elevator ticket sales in addition to the general fees for elevator tickets provided in Park Code, Section 12.06, allow the sale of food and beverage from a kiosk exterior to Coit Tower on a part of a vacated street or other space designated by the Recreation and Park Department General Manager if the street is not vacated, provide an ongoing rent credit of up to $9,500 per month for increased mural protection staffing, provide a short-term rent credit of up to $7,000 per month on account of delay in identifying a food service premises, allow a retroactive and ongoing credit for credit card fees associated with elevator tickets purchased by visitors, and amend the lease in certain other respects; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

January 20, 2016 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

January 20, 2016 Budget and Finance Committee - RECOMMENDED AS AMENDED

January 26, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 02, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151210

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/2/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/10/16
Date Approved

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AMENDED IN COMMITTEE
1/21/2016

FILE NO. 150973 ORDINANCE NO. 13-16

[~~Administrative~~ Police Code - Storage of ~~Peace Officers'~~ Firearms in Motor Vehicles]

Ordinance amending the ~~Administrative~~ Police Code to prohibit ~~City peace officers~~ any person from placing, storing, or leaving a firearm in an unattended ~~a City issued firearm in a~~ motor vehicle ~~under the peace officer's control~~ unless it is in a ~~locked container~~ lock box or in the locked trunk of the motor vehicle.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The ~~Administrative~~ Police Code is hereby amended by adding Article 36B, consisting of Sections 3600B, 3601B, 3602B, 3603B, 3604B, and 3605B, ~~Chapter 103 and Section 103.1,~~ to read as follows:

ARTICLE 36B:~~CHAPTER 103:~~

STORAGE OF FIREARMS IN MOTOR VEHICLES~~PEACE OFFICERS~~

SEC. 3600B. FINDINGS.

(a) A report by the U.S. Department of Justice, Bureau of Justice Statistics, found that 1.4 million firearms were stolen across the country from 2005 through 2010. This number represents an estimated average of 232,400 firearms stolen each year — about 172,000 stolen during burglaries and 60,300 stolen during other property crimes. The report also found that the vast majority — at least 80 percent — were never recovered.

(b) Auto burglaries in dense urban areas are on the rise, and San Francisco has seen an absolute explosion of auto burglaries. According to the San Francisco Police Department's crime data, an alarming 47 percent spike in San Francisco car burglaries has occurred in the first half of this year. From the beginning of January through the end of June of 2015 there have been 11,917 reported vehicle burglaries in the City and County of San Francisco. That same number during the same time period escalated 62 percent from 2013. And it has skyrocketed to 171 percent from 2010, a year that saw 4,396 reported vehicle burglaries between January and the end of June.

(c) Recently, auto burglaries in the San Francisco Bay Area have resulted in the theft of firearms from vehicles. In July, a San Francisco resident was killed by someone using a handgun stolen four days earlier from a federal agent's car in downtown San Francisco. In August, a firearm was stolen from the UC Berkeley Police Chief's vehicle at Point Isabel Regional Shoreline in Richmond, California. In October of 2015, a gun was stolen from a California Highway Patrol officer's vehicle in the South of Market area of San Francisco. In the same month, three individuals were charged with murdering a woman in Golden Gate Park and a second victim in Marin using a handgun stolen from a car at Fisherman's Wharf. In late October, police officials recovered two stolen guns from cars in the home of a suspected serial auto burglar.

(d) These recent auto burglaries resulting in the theft of firearms have been from unattended vehicles. The City and County of San Francisco finds that it has a strong local interest in preventing the theft of firearms from unattended vehicles and that requiring reasonable measures to secure firearms left in attended vehicles will reduce gun thefts and prevent guns from falling into the hands of criminals.

SEC. 3601B. DEFINITIONS.

"Firearm" means a Firearm as defined in California Penal Code section 12001, as amended from time to time.

"Lock box" means a container that is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices.

"Motor Vehicle" means a vehicle as defined in California Vehicle Code section 415, as amended from time to time.

"Trunk" means a fully enclosed compartment that is separate from the main cabin of the Motor Vehicle.

"Unattended" means that a person aged 18 or over is not present in the Motor Vehicle.

~~SEC. 103.1. STORAGE OF CITY-ISSUED PEACE OFFICER FIREARMS IN PRIVATE VEHICLES.~~

SEC. 3602B. STORAGE OF FIREARMS IN MOTOR VEHICLES.

~~(a) A peace officer employed by the City and County of San Francisco may not place, store, or leave unattended a City-issued firearm in any vehicle that is under the peace officer's control or direction, except the firearm may be placed:~~

(a) No person may place, store, or leave a Firearm in an unattended Motor Vehicle unless the Firearm is stored:

~~(1) In a locked container in the trunk of the vehicle as defined in California Penal Code section 16850, as amended from time to time; or~~

~~(2) In a trunk that is fully enclosed with a compartment that is separate from the main cabin of the vehicle and locked by a secure locking device as defined in California Penal Code section 16860, as amended from time to time.~~

(1) in a locked Trunk of a Motor Vehicle, provided that the automatic Trunk release in the main cabin of the Motor Vehicle is disabled; or

(2) in a Lock Box that is permanently affixed to the Trunk of a Motor Vehicle, provided that the Lock Box is locked; or

(3) for Motor Vehicles with four or more wheels and lacking a Trunk, in a Lock Box that is permanently affixed to the Motor Vehicle and underneath a seat, or covered, or otherwise outside the view of the public, provided that the Lock Box is locked; or

(4) for Motor Vehicles with fewer than four wheels, in a Lock Box that is permanently affixed to the Motor Vehicle, provided that the Lock Box is locked.

~~(b) This requirement applies to privately-owned vehicles and is in no way intended to conflict with the applicable City department's rules governing the storage of firearms in City-owned vehicles or vehicles under their control. To the extent there is a conflict between the laws or rules, the more stringent requirement shall govern.~~

(b) Notwithstanding subsections (a)(1), (a)(2), (a)(3), and (a)(4) no person may place, store, or leave a Firearm overnight in an unattended Motor Vehicle.

(c) This Article 36B ~~section~~ *is not intended to conflict with applicable State or federal law, if any.*

(d) This Article 36B is intended to apply to all Motor Vehicles within the City and County of San Francisco. Notwithstanding the foregoing sentence, nothing in this Article 36B shall apply to on-duty peace officers employed by jurisdictions other than the City and County of San Francisco or to federal officers or military personnel who are acting within the scope of their authority and discharging their official duties. ~~To the extent this Article conflicts with a City department's rules governing the storage of firearms in City-owned Motor Vehicles or other Motor Vehicles under the department's control, the more stringent requirement shall govern.~~ Any peace officer employed by City and County of San Francisco is exempt from the requirements of this Article provided that the officer's employing department has a policy regulating the storage of firearms for both on and off duty conduct by the officer.

SEC. 3603B. PENALTY.

Every violation of Section 3602B shall constitute a misdemeanor and shall be punishable by a fine not to exceed $10,000 or by imprisonment in the county jail not to exceed six months, or by both.

SEC. 3604B. PROMOTION OF GENERAL WELFARE.

In enacting and implementing Article 36B~~this Section 103.1~~, *the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.*

SEC. 3605B. SEVERABILITY.

It is the intention of the City and County of San Francisco that all persons within San Francisco be subject to Article 36B while in San Francisco. This Article or portion thereof shall not apply to anyone subject to the criminal prosecution under state law for the same conduct. If a court determines that this Article or any portion thereof may not be applied to a particular class of persons, it is the intention of the City and County of San Francisco that applicability of the Article or portion thereof to those persons shall be severed from the remainder of this Article or other portions thereof, which shall continue to apply to other persons.

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Section 2. Effective and Operative Dates.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

(b) This ordinance shall become operative 60 days after enactment.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Buck Delventhal
Deputy City Attorney

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 150973 **Date Passed:** February 09, 2016

Ordinance amending the Police Code to prohibit any person from placing, storing, or leaving a firearm in an unattended motor vehicle unless it is in a lock box or in the locked trunk of the motor vehicle.

November 19, 2015 Public Safety and Neighborhood Services Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

November 19, 2015 Public Safety and Neighborhood Services Committee - CONTINUED TO CALL OF THE CHAIR AS AMENDED

December 11, 2015 Public Safety and Neighborhood Services Committee - CONTINUED TO CALL OF THE CHAIR

January 21, 2016 Public Safety and Neighborhood Services Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

January 21, 2016 Public Safety and Neighborhood Services Committee - RECOMMENDED AS AMENDED

February 02, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 09, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 150973

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/9/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/18/16
Date Approved

FILE NO. 151079 AMENDED IN COMMITTEE 1/25/2016 ORDINANCE NO. 14-16

[Building Code - Definition of Vacant or Abandoned Buildings]

Ordinance amending the Building Code to provide that a building in probate shall not be considered vacant or abandoned for purposes of the annual registration requirement <u>for a period not to exceed two years</u> if it <u>complies with all codes and</u> does not contribute to blight; and affirming the Planning Department's determination under the California Environmental Quality Act.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *<u>single-underline italics Times New Roman font</u>*.
Deletions to Codes are in *~~strikethrough italics Times New Roman font~~*.
Board amendment additions are in <u>double-underlined Arial font</u>.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 151079 and is incorporated herein by reference. The Board affirms this determination.

(b) The Building Inspection Commission considered this ordinance on December 16, 2015, at a duly noticed public hearing, pursuant to Charter Section D3.750-5.

Section 2. The Building Code is hereby amended by revising Section 103A.4.1, to read as follows:

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103A.4 **Vacant or Abandoned Buildings – Annual Registration; Registration Fee; Maintenance and Security Requirements.**

103A.4.1 **Definition.** A building shall be defined as a vacant or abandoned if it (1) is unoccupied and unsecured; or (2) is unoccupied and secured by boarding or other similar means; or (3) is unoccupied and unsafe as defined in Section 102A of this Code; or (4) is unoccupied and has multiple code violations; or (5) has been unoccupied for over 30 days. A building which is partially unoccupied and has been cited for blight under Chapter 80 of the San Francisco Administrative Code, shall also be deemed a vacant or abandoned building that is subject to this Section. Commercial Storefronts, as defined in Section 103A.5.1 of this Code, located within vacant or abandoned buildings shall be subject to the enforcement provisions in Sections 103A.5-103A.5.6 of this Code.

For purposes of this Section 103A.4. a building shall not be considered vacant or abandoned if:

(1) There is a valid building permit for repair, rehabilitation, or construction of a building on the parcel and the owner completes the repair, rehabilitation, or construction within one year from the date the initial permit was issued; or

(2) The building complies with all codes, does not contribute to blight as defined in Chapter 80 of the San Francisco Administrative Code, is ready for occupancy, and is actively being offered for sale, lease, or rent.

(3) The building complies with all codes, *does not contribute to blight as defined in Chapter 80 of the San Francisco Administrative Code, and is* undergoing ~~included in an estate that is in an active and ongoing~~ a *probate* process ~~proceeding~~ that does not exceed two years. Upon expiration of the two-year period, the building shall become subject to the requirements of Section 103A.4.

* * * *

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151079 **Date Passed:** February 09, 2016

Ordinance amending the Building Code to provide that a building in probate shall not be considered vacant or abandoned for purposes of the annual registration requirement for a period not to exceed two years if it complies with all codes and does not contribute to blight; and affirming the Planning Department's determination under the California Environmental Quality Act.

January 25, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

January 25, 2016 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

February 02, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 09, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151079

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/9/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/18/16
Date Approved

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FILE NO. 151212 ORDINANCE NO. 15-16

[Settlement of Lawsuit - Filip Kesler 2011 Revocable Trust and Brandon Hughes - $82,500]

Ordinance authorizing settlement of the lawsuit filed by Filip Kesler 2011 Revocable Trust and Brandon Hughes against the City and County of San Francisco for $82,500; the lawsuit was filed on September 29, 2014, in San Francisco Superior Court, Case No. CGC-14-541914; entitled Filip Kesler 2011 Revocable Trust and Brandon Hughes v. City and County of San Francisco.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled Filip Kesler 2011 Revocable Trust and Brandon Hughes v. City and County of San Francisco, San Francisco Superior Court, Case No. CGC-14-541914 by the payment of $82,500.

Section 2. The above-named action was filed in San Francisco Superior Court on September 29, 2014, and the following parties were named in the lawsuit: Plaintiffs Filip Kesler 2011 Revocable Trust and Brandon Hughes; Defendant City and County of San Francisco.

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA
City Attorney

CHERYL ADAMS
Chief Trial Deputy

FUNDS AVAILABLE:

Michael T. Allen for
BEN ROSENFIELD
Controller

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RECOMMENDED:

PUBLIC UTILITIES COMMISSION

HARLAN L. KELLY, JR.
General Manager

APPROVED:

DONNA HOOD
Secretary, PUBLIC UTILITIES COMMISSION

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151212 **Date Passed:** February 09, 2016

Ordinance authorizing settlement of the lawsuit filed by Filip Kesler 2011 Revocable Trust and Brandon Hughes against the City and County of San Francisco for $82,500; the lawsuit was filed on September 29, 2014, in San Francisco Superior Court, Case No. CGC-14-541914; entitled Filip Kesler 2011 Revocable Trust and Brandon Hughes v. City and County of San Francisco.

January 21, 2016 Government Audit and Oversight Committee - RECOMMENDED..

February 02, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 09, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151212

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/9/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/18/16
Date Approved

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FILE NO. 151227 ORDINANCE NO. 16-16

[Administrative Code - Equal Pay Advisory Board Reporting Deadlines and Sunset Date]

Ordinance amending the Administrative Code to revise reporting deadlines regarding equal pay reports, and the sunset date of the Equal Pay Advisory Board.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Administrative Code is hereby amended by revising Sections 12B.2, 12B.2-3, and 12B.2-6, to read as follows:

SECTION 12B.2. NONDISCRIMINATION PROVISIONS.

* * * *

(f) The contractor or subcontractor shall:

* * * *

(2) Submit an Equal Pay Report if the contractor or subcontractor has at least 20 employees worldwide and, for a contract or subcontract, the agreement has a value equal to or in excess of the Threshold Amount set forth in Administrative Code Chapter 6 or the Minimum Competitive Amount set forth in Administrative Code Chapter 21, as applicable, or, for a grant, the agreement has a value equal to or in excess of $50,000.

(A) The Equal Pay Report shall provide summary information on compensation paid to employees identified by sex, race, sex and race, and data points the Commission has adopted by regulation.

(B) Each contractor or subcontractor shall file a complete and accurate Equal Pay Report with the Commission commencing on a date set by the Commission but no later than ~~*January 31, 2016*~~ *July 3, 2017*. Thereafter, each contractor or subcontractor shall file a Equal Pay Report annually.

(C) The Equal Pay Report requirements of this Subsection (f)(2) shall apply to all qualifying contracts, subcontracts and grants first advertised for bid, request for qualification or proposal ~~*is*~~ issued or initiated on a date set by the Commission but no later than ~~*January 31, 2016*~~ *July 3, 2017*.

(D) If any information in the Equal Pay Report constitutes proprietary financial data, or confidential trade secret, or is protected by the right of privacy under the U.S. or California Constitution, the City shall not disclose such information unless required by law, including under the California Public Records Act and the San Francisco Sunshine Ordinance.

* * * *

SEC. 12B.2-3. POWERS AND DUTIES.

(a) The Advisory Board shall analyze and recommend the best method or methods of data collection that will identify wage gaps between men and women of the same or different races and among members of different races, and that will minimize the burden on City contractors and subcontractors in providing the data. The Advisory Board shall also analyze and recommend data points that may include but are not limited to employees' education, years of work experience, and specialized skills, that would aid in the analysis of wage disparities. The Advisory Board's recommendations shall include recommendations for additional ordinances if legislative change is necessary or desirable to implement the recommendations.

(b) The Advisory Board shall make its recommendation to the Board of Supervisors and the Human Rights Commission within six months of its inaugural meeting. Thereafter,

notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides that advisory bodies created by the Board shall meet at least once every four months, the Advisory Board shall meet at least ~~once every four months~~ *twice per calendar year* to evaluate the effectiveness of the data collection methods used and make further recommendations as appropriate.

* * * *

SEC. 12B.2-6. SUNSETTING.

(a) The Advisory Board and sections pertaining thereto (Sections 12B.2-1 through 12B.2-6) shall expire by operation of law on ~~October 1, 2017~~ *July 2, 2018*, unless the Board of Supervisors adopts an ordinance continuing the existence of the Advisory Board.

(b) The Advisory Board shall submit a report to the Board of Supervisors by ~~May 1, 2017~~ *February 1, 2018,* recommending whether the Advisory Board should continue to operate, and if so, whether the Board of Supervisors should consider legislative changes that would enhance the capacity of the Advisory Board to achieve its goals.

(c) Upon expiration of the Advisory Board as specified in subsection (a), the City Attorney shall cause Sections 12B.2-1, 12B.2-2, 12B.2-3, 12B.2-4, 12B.2-5, and 12B.2-6 to be removed from the Municipal Code.

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
BRADLEY A. RUSSI
Deputy City Attorney

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151227 **Date Passed:** February 09, 2016

Ordinance amending the Administrative Code to revise reporting deadlines regarding equal pay reports, and extending the sunset date of the Equal Pay Advisory Board by nine months to July 2, 2018.

January 21, 2016 Public Safety and Neighborhood Services Committee - RECOMMENDED

February 02, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 09, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151227

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/9/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/18/16
Date Approved

[Administrative Code - Notice to Tenants in Event of Eviction]

Ordinance amending the Administrative Code to provide notice to tenants facing eviction regarding eligibility for City affordable housing programs~~, and to modify vacancy control requirements applicable to certain agreements with governmental agencies~~.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Administrative Code is hereby amended by revising Sections 37.3 and 37.9, to read as follows:

SEC. 37.3. RENT LIMITATIONS.

* * * *

(f) Costa-Hawkins Vacancy Control. Where a landlord has terminated the previous tenancy as stated in either subsection (1), (2) or (3) below, for the next five years from the termination, ~~*for the next five years from the termination,*~~ the initial base rent for the subsequent tenancy shall be a rent not greater than the lawful rent in effect at the time the previous tenancy was terminated, plus any annual rent increases available under this Chapter 37. ~~This rent limitation shall apply for the next five years from the termination where the landlord has terminated the tenancy as stated in subsections (1) or (2), and for the next three years from~~

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~~the termination where the landlord has terminated the tenancy as stated in subsection (3).~~ This Section 37.3(f) is intended to be consistent with California Civil Code Section 1954.53(a)(1)(A)-(B).

(1) Where the previous tenancy was terminated by a notice of termination of tenancy issued under California Civil Code Section 1946.1 stating the ground for recovery of possession under Sections 37.9(a)(8), (9), (10), (11), or (14) of this Code. For purposes of the termination of tenancy under Section 37.9(a)(9), the initial rent for the unit may be set by a subsequent bona fide purchaser for value of the condominium.

(2) Where the previous tenancy was terminated upon a change in terms of tenancy noticed under California Civil Code Section 827, except a change in rent permitted by law. Within 10 days after serving the notice of termination based upon a change in terms of tenancy under Civil Code Section 827, the landlord shall notify the Board in writing of the monthly rent the tenant was paying when the landlord gave the notice to the tenant, and provide a copy of the notice to the Board to the tenant.

(3) Where the landlord terminated or did not renew a contract or recorded agreement with a governmental agency that provided for a rent limitation to a qualified tenant. When a landlord terminates a tenant-based rental assistance program, the landlord shall, within 10 days after giving the notice of termination of the program to the tenant, notify the Board in writing of the monthly rent the tenant was paying and the monthly rent paid by the program to the landlord on behalf of the tenant when the landlord gave notice to the tenant, and provide a copy of the notice to the Board to the tenant.

SEC. 37.9. EVICTIONS.

Notwithstanding Section 37.3, this Section *37.9* shall apply as of August 24, 1980, to all landlords and tenants of rental units as defined in Section 37.2(r).

* * * *

(c) A landlord shall not endeavor to recover possession of a rental unit unless at least one of the grounds enumerated in Section 37.9(a) or (b) above is (1) the landlord's dominant motive for recovering possession and (2) unless the landlord informs the tenant in writing on or before the date upon which notice to vacate is given of the grounds under which possession is sought, and for notices to vacate under Sections 37.9(a)(8), (9), (10), (11), and (14), state in the notice to vacate the lawful rent for the unit at the time the notice is issued, before endeavoring to recover possession. The Board shall prepare a written form that *(1)* states that a tenant's failure to timely act in response to a notice to vacate may result in a lawsuit by the landlord to evict the tenant, and *that* advice regarding the notice to vacate is available from the Board*; and (2) includes information provided by the Mayor's Office of Housing and Community Development regarding eligibility for affordable housing programs*. The Board shall prepare the form in English, Chinese, Spanish, Vietnamese, Tagalog, and Russian and make the form available to the public on its website and in its office. A landlord shall attach a copy of the form that is in the primary language of the tenant to a notice to vacate before serving the notice, except that if the tenant's primary language is not English, Chinese, Spanish, Vietnamese, Tagalog, or Russian, the landlord shall attach a copy of the form that is in English to the notice. A copy of all notices to vacate except three-day notices to vacate or pay rent and a copy of any additional written documents informing the tenant of the grounds under which possession is sought shall be filed with the Board within 10 days following service of the notice to vacate. The District Attorney shall determine whether the units set forth on the list compiled in accordance with Section 37.6(k) are still being occupied by the tenant who succeeded the tenant upon whom the notice was served. In cases where the District Attorney determines that Section 37.9(a)(8) has been violated, the District Attorney shall take whatever action he deems appropriate under this Chapter or under State law. In any action to recover possession of the rental unit under Section 37.9, the landlord must plead and prove that at

least one of the grounds enumerated in Section 37.9(a) or (b) and also stated in the notice to vacate is the dominant motive for recovering possession. Tenants may rebut the allegation that any of the grounds stated in the notice to vacate is the dominant motive.

* * * *

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: MANU PRADHAN
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151229 **Date Passed:** February 09, 2016

Ordinance amending the Administrative Code to provide notice to tenants facing eviction regarding eligibility for City affordable housing programs.

January 25, 2016 Land Use and Transportation Committee - RECOMMENDED

February 02, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 09, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 09, 2016 Board of Supervisors - FINALLY PASSED AS AMENDED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151229

I hereby certify that the foregoing Ordinance was FINALLY PASSED AS AMENDED on 2/9/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/18/16
Date Approved

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FILE NO. 160001 ORDINANCE NO. 18-16

[Settlement of Lawsuit - David Lloyd - $42,500]

Ordinance authorizing settlement of the lawsuit filed by David Lloyd against the City and County of San Francisco for $42,500; the lawsuit was filed on June 10, 2014, in San Francisco Superior Court, Case No. CGC-14-539774; entitled David Lloyd v. City and County of San Francisco, et al, removed to federal court on August 6, 2014, and re-captioned as David Lloyd v. City and County of San Francisco, et al., United States District Court, Case No. 3:14-cv-03542 JCS.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled David Lloyd v. City and County of San Francisco et al., United States District Court, Case No. 3:14-cv-03542 JCS by the payment of $42,500, which will include payment of the medical lien held by San Francisco General Hospital.

Section 2. The above-named action was filed in Superior Court of the City and County of San Francisco on June 10, 2014, initially entitled David Lloyd v. City and County of San Francisco, et al; Case No. CGC-14-539774 and removed to the United States District Court on August 6, 2014, and re-captioned as David Lloyd v. City and County of San Francisco, et al. and the following parties were named in the lawsuit: Plaintiff: David Lloyd; Defendants: City and County of San Francisco, Greg Suhr, Edward Barrientos, Edric Talusan, Stephen Gritsch, John Normant and Charles August.

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA
City Attorney

CHERYL ADAMS
Chief Trial Deputy

FUNDS AVAILABLE:

BEN ROSENFIELD
Controller

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

GREG SUHR
Chief of Police

APPROVED:

SERGEANT RACHAEL KILSHAW
Secretary, San Francisco Police Commission

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160001 **Date Passed:** February 09, 2016

Ordinance authorizing settlement of the lawsuit filed by David Lloyd against the City and County of San Francisco for $42,500; the lawsuit was filed on June 10, 2014, in San Francisco Superior Court, Case No. CGC-14-539774; entitled David Lloyd v. City and County of San Francisco, et al, removed to federal court on August 6, 2014, and re-captioned as David Lloyd v. City and County of San Francisco, et al., United States District Court, Case No. 3:14-cv-03542 JCS.

January 21, 2016 Government Audit and Oversight Committee - RECOMMENDED..

February 02, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 09, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160001

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/9/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/18/16
Date Approved

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FILE NO. 160002 MAY - 3 2016 ORDINANCE NO. 19-16

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[Settlement of Lawsuit - Travis Jones - $60,000]

Ordinance authorizing settlement of the lawsuit filed by Travis Jones against the City and County of San Francisco for $60,000; the lawsuit was filed on February 18, 2014, in the United States District Court, Case No. CV 14-00733 NC; entitled Travis Jones v. City and County of San Francisco, et al.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled Travis Jones v. City and County of San Francisco, et al., United States District Court, Case No. CV 14-00733 NC by the payment of $60,000. Contra Costa County is also a party to the case and will pay $65,000 in settlement of the claims against Contra Costa County.

Section 2. The above-named action was filed in the United States District Court on February 18, 2014, and the following parties were named in the lawsuit: Plaintiff Travis Jones; Defendants City and County of San Francisco and Contra Costa County.

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA
City Attorney

CHERYL ADAMS
Chief Trial Deputy

FUNDS AVAILABLE:

BEN ROSENFIELD
Controller

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

GREGORY P. SUHR
Chief

APPROVED:

RACHEL KILSHAW, Secretary
SAN FRANCISCO POLICE COMMISSION

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160002 **Date Passed:** February 09, 2016

Ordinance authorizing settlement of the lawsuit filed by Travis Jones against the City and County of San Francisco for $60,000; the lawsuit was filed on February 18, 2014, in the United States District Court, Case No. CV 14-00733 NC; entitled Travis Jones v. City and County of San Francisco, et al.

January 21, 2016 Government Audit and Oversight Committee - RECOMMENDED..

February 02, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 09, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160002

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/9/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/16/16
Date Approved

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FILE NO. 160003 MAY - 3 2016 ORDINANCE NO. 20-16

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[Settlement of Lawsuit - Leonard Lee Collins, Jr. - $75,000]

Ordinance authorizing settlement of the lawsuit filed by Leonard Lee Collins, Jr., against the City and County of San Francisco for $75,000; the lawsuit was filed on December 18, 2012, in United States District Court for the Northern District of California, Case No. 13-3456 MEJ; entitled Leonard Lee Collins, Jr. v. City and County of San Francisco, Laguna Honda Hospital, Edward Shiels, Steven Koneffklatt, et. al.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled Leonard Lee Collins, Jr. v. City and County of San Francisco, Laguna Honda Hospital, Edward Shiels, Steven Koneffklatt, et. al., U.S. District Court (N.D.Cal.), Case No. 13-3456 MEJ by the payment of $75,000.

Section 2. The above-named action was filed in the United States District Court for the Northern District of California on December 18, 2012, and the following parties were named in the lawsuit: Leonard Lee Collins, Jr., Plaintiff, and the City and County of San Francisco, Laguna Honda Hospital, Edward Shiels, and Steven Koneffklatt, Defendants.

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA
City Attorney

ELIZABETH S. SALVESON
Chief Labor Attorney

FUNDS AVAILABLE:

BEN ROSENFIELD
Controller

RECOMMENDED:

DEPARTMENT OF PUBLIC HEALTH

BARBARA A. GARCIA
DIRECTOR

APPROVED:

MARK MOREWITZ
SECRETARY OF THE SAN FRANCISCO HEALTH COMMISSION

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160003 **Date Passed:** February 09, 2016

Ordinance authorizing settlement of the lawsuit filed by Leonard Lee Collins, Jr., against the City and County of San Francisco for $75,000; the lawsuit was filed on December 18, 2012, in United States District Court for the Northern District of California, Case No. 13-3456 MEJ; entitled Leonard Lee Collins, Jr. v. City and County of San Francisco, Laguna Honda Hospital, Edward Shiels, Steven Koneffklatt, et. al.

January 21, 2016 Government Audit and Oversight Committee - RECOMMENDED..

February 02, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 09, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160003

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/9/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/18/16
Date Approved

AMENDED IN COMMITTEE
1/27/16

FILE NO. 160021 ORDINANCE NO. 21-16

RO#16018
SA#70-18

[Appropriation - Transfer from Wastewater Enterprise Funds to City Administrator to implement the Central Shops Relocation Project - $62,200,000 - FYs 2015-2016 *and 2016-2017*]

Ordinance appropriating $62,200,000 transfer from *Public Utilities Commission* Wastewater Enterprise Funds to City Administrator for ~~*pre-development costs of*~~ the Central Shops Relocation Project in FYs 2015-2016 *and 2016-2017, and placing $45,000,000 on Budget and Finance Committee reserve.*

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the funding available in FYs 2015-2016 *and 2016-2017*.

SOURCES Appropriation

Fund	Index/Project Code	Subobject	Description	Amount
1G AGF ACP GF-NON-PROJECT-CONTROLLED	XXXXXX CADCSR00	9305C	Transfer In from Wastewater Enterprise Funds	$62,200,000
Total SOURCES Appropriation				**$62,200,000**

Section 2. The uses of funding outlined below are herein appropriated in Subobject 06700 (Buildings Structures and Improvements), and reflect the projected uses of funding to

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effect the relocation of the Central Shops from 1800 Jerrold Avenue, pursuant to companion legislation on file with the Clerk of the Board of Supervisors in File No. *151226*——— (the "Companion Ordinance"), ~~*which is*~~ incorporated herein by *this* reference, wherein this Board of Supervisors would authorize *the transfer of jurisdiction of properties between the General Services Agency (GSA) and the Public Utilities Commission (SFPUC), subject to the terms and conditions of the Memorandum of Understanding between those departments (the "MOU")* ~~*the execution of a Pre-Development Agreement for necessary improvements to 555 Selby Street, 1975 Galvez Avenue and the leased premises of 450 Toland Street*~~to effect said Central Shops Relocation.

USES Appropriation

Fund	Index/Project Code	Subobject	Description	Amount
1G AGF ACP GF-NON-PROJECT-CONTROLLED	70CSRELO CADCSR00	06700	Buildings Structures and Improvements – Central Shops Relocation	$62,200,000
Total USES Appropriation				**$62,200,000**

Section 3. The uses of funding outlined above for ~~*$62,200,000*~~~~$26,400,052~~$45,000,000 are herein placed on ~~Controller's~~Budget and Finance Committee Reserve pending approval of phase II of the Project Delivery Agreement by the Board of Supervisors, and *Controller certification of funds availability, including proceeds of indebtedness, and* transfer of available funds from the Wastewater Enterprise Fund, *consistent with the terms and conditions of the MOU*~~*including proceeds of indebtedness*~~.

Section 4. The Controller is authorized to record transfers between funds and adjust the accounting treatment of sources and uses appropriated in this Ordinance as necessary to conform to Generally Accepted Accounting Principles.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
BUCK DELVENTHAL
Deputy City Attorney

FUNDS AVAILABLE
BEN ROSENFIELD, Controller

By: _____

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160021 **Date Passed:** February 09, 2016

Ordinance appropriating a $62,200,000 transfer from Public Utilities Commission Wastewater Enterprise Funds to the City Administrator the Central Shops Relocation Project in FYs 2015-2016 and 2016-2017, and placing $45,000,000 on Budget and Finance Committee reserve.

January 27, 2016 Budget and Finance Committee - AMENDED

January 27, 2016 Budget and Finance Committee - RECOMMENDED AS AMENDED

February 02, 2016 Board of Supervisors - PASSED ON FIRST READING
Ayes: 8 - Breed, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
Noes: 3 - Avalos, Campos and Peskin

February 09, 2016 Board of Supervisors - FINALLY PASSED
Ayes: 8 - Breed, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
Noes: 3 - Avalos, Campos and Peskin

File No. 160021

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/9/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2/18/16
Date Approved

AMENDED IN COMMITTEE
2/3/16

FILE NO. 151276 ORDINANCE NO. 22-16

[General Obligation Bond Election - Public Health and Safety - $350,000,000]

Ordinance amending Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 7, 2016, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $350,000,000 to finance the construction, acquisition, improvement, seismic strengthening and betterment of critical community and mental health, emergency response and safety, and homeless shelter and service facilities ~~animal care facilities for earthquake safety and public health~~ and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Administrative Code, Chapter 37; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code, Chapter 31; finding that the proposed bond is in conformity with the eight priority policies of Planning Code, Section 101.1(b), and with the General Plan, consistency requirement of Charter, Section 4.105, and Administrative Code, Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word

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limitation on ballot propositions imposed by Municipal Elections Code, Section 510; complying with the restrictions on the use of bond proceeds specified in California Government Code, Section 53410; incorporating the provisions regarding the Citizens' Bond Oversight Committee in Administrative Code, Sections 5.30-5.36; and waiving the time requirements specified in Administrative Code, Section 2.34.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

a. This Board of Supervisors (this "Board") recognizes the need to safeguard and enhance the public health and safety in the event of an earthquake by constructing and improving facilities that provide such services to City residents.

b. The Public Health and Safety Bond (the "Bond") will provide funding to acquire, construct, and improve critical public health and safety facilities (as described below in Section 3).

c. This Board now wishes to describe the terms of a ballot measure seeking approval for the issuance of general obligation bonds to finance all or a portion of the City's public health and safety services ~~needs~~ as described below.

Section 2. A special election is called and ordered to be held on Tuesday, June 7, 2016, for the purpose of submitting to the electors of the City a proposition to incur bonded indebtedness of the City for the project described in the amount and for the purposes stated:

"SAN FRANCISCO PUBLIC HEALTH AND SAFETY BOND, 2016. $350,000,000 of bonded indebtedness to finance the cost of critical public health and safety facilities including essential seismic retrofits and fire response system improvements at the Priscilla Chan and Mark Zuckerberg San Francisco General Hospital and Trauma Center campus, ~~the modernization of fire response systems~~ and the renovation and expansion of ~~addition to~~ the Southeast Health Center, the improvement of high-demand community health centers with the expansion of access to mental health, urgent care, substance abuse, dental, and social services; the construction of a seismically safe San Francisco Fire Department Ambulance Deployment Facility, ~~and~~ the repair and modernization of neighborhood fire stations Citywide; and the improvement of facilities to better serve homeless individuals and families at homeless shelters and homeless service sites, and the acquisition and construction of related facilities ~~Care and Control Shelter~~; and to pay related costs, subject to independent citizen oversight and regular audits; and authorizing landlords to pass-through to residential tenants in units subject to Chapter 37 of the Administrative Code (the "Residential Rent Stabilization and Arbitration Ordinance") 50% of the increase in the real property taxes attributable to the cost of the repayment of the bonds."

The special election called and ordered shall be referred to in this ordinance as the "Public Health and Safety Bond Special Election."

Section 3. PROPOSED PROGRAM. All contracts that are funded with the proceeds of bonds authorized hereby shall be subject to the provisions of Chapter 83 of the Administrative Code (the "First Source Hiring Program"), which fosters construction and permanent employment opportunities for qualified economically disadvantaged individuals. In addition, all contracts that are funded with the proceeds of bonds authorized hereby shall be subject to the provisions of Chapter 14B of the Administrative Code (the "Local Business Enterprise and Non-Discrimination in Contracting Ordinance"), which assists small and micro local

businesses to increase their ability to compete effectively for the award of City contracts. The proposed program, including Bond proceeds expected to be allocated to each project, can be summarized as follows:

a. PUBLIC HEALTH PROJECT. $272 million ~~A portion~~ of the Bond shall be allocated to make essential seismic retrofits and improvements at the Priscilla Chan and Mark Zuckerberg San Francisco General campus and neighborhood clinic, including but not limited to the modernization of fire response systems and the renovation and addition to the Southeast Health Center, and the improvement of high-demand community health centers with the expansion of access to mental health, urgent care, substance abuse, dental, and social services.

b. SAFETY PROJECT. $58 million ~~A portion~~ of the Bond shall be allocated to the construction, acquisition, improvement, retrofitting, and upgrade of the San Francisco Fire Department Ambulance Deployment Facility, which includes the construction of a modern, seismically safe ambulance and paramedic deployment facility and for urgently needed repairs and modernizations of neighborhood fire stations Citywide.

c. ~~ANIMAL RESCUE PROJECT~~. HOMELESS HEALTH AND SAFETY PROJECT. $20 million ~~A portion~~ of the Bond shall be allocated to the construction, acquisition, improvement, retrofitting, and upgrading of City-owned homeless shelters and homeless service sites. In addition, a portion of the Bond may be used to acquire and construct facilities to expand homeless services in the City.~~San Francisco Animal Shelter, which includes the construction of a modern, seismically safe building to care for displaced animals and to prevent the spread of communicable diseases in the event of an earthquake~~.

d. CITIZENS' OVERSIGHT COMMITTEE. A portion of the Bond shall be used to perform audits of the Bond, as further described in Section 15.

Section 4. BOND ACCOUNTABILITY MEASURES.

The Bond shall include the following administrative rules and principles:

a. OVERSIGHT. The proposed bond funds shall be subjected to approval processes and rules described in the Charter and Administrative Code. Pursuant to Administrative Code 5.31, the Citizens' General Obligation Bond Oversight Committee shall conduct an annual review of bond spending, and shall provide an annual report of the bond program to the Mayor and the Board of Supervisors.

b. TRANSPARENCY. The City shall create and maintain a Web page outlining and describing the bond program, progress, and activity updates. The City shall also hold an annual public hearing and reviews on the bond program and its implementation before the Board of Supervisors, the Capital Planning Committee, the relevant City commissions, and the Citizens' General Obligation Bond Oversight Committee.

Section 5. The estimated cost of the bond financed portion of the project described in Section 2 above was fixed by the Board by Resolution No. 50-16, in the amount of $350,000,000. Said resolution was passed by two-thirds or more of the Board and approved by the Mayor. In such resolution it was recited and found by the Board that the sum of money specified is too great to be paid out of the ordinary annual income and revenue of the City in addition to the other annual expenses or other funds derived from taxes levied for those purposes and will require expenditures greater than the amount allowed by the annual tax levy.

The method and manner of payment of the estimated costs described in this ordinance are by the issuance of bonds of the City not exceeding the principal amount specified.

Such estimate of costs as set forth in such resolution is adopted and determined to be the estimated cost of such bond financed improvements and financing, as designed to date.

Section 6. The Bond Special Election shall be held and conducted and the votes received and canvassed, and the returns made and the results ascertained, determined, and

declared as provided in this ordinance and in all particulars not recited in this ordinance such election shall be held according to State law and the Charter and any regulations adopted under State law or the Charter, providing for and governing elections in the City, and the polls for such election shall be and remain open during the time required by such laws and regulations.

Section 7. The Bond Special Election is consolidated with the General Election scheduled to be held in the City on Tuesday, June 7, 2016. The voting precincts, polling places, and officers of election for the June 7, 2016 General Election are hereby adopted, established, designated, and named, respectively, as the voting precincts, polling places, and officers of election for the Bond Special Election called, and reference is made to the notice of election setting forth the voting precincts, polling places, and officers of election for the June 7, 2016 General Election by the Director of Elections to be published in the official newspaper of the City on the date required under State law.

Section 8. The ballots to be used at the Bond Special Election shall be the ballots used at the June 7, 2016 General Election. The word limit for ballot propositions imposed by Municipal Elections Code Section 510 is waived. On the ballots to be used at the Bond Special Election, in addition to any other matter required by law to be printed thereon, shall appear the following as a separate proposition:

"SAN FRANCISCO PUBLIC HEALTH AND SAFETY BOND, 2016. "To protect public health and safety, improve community medical and mental health care services, earthquake safety, and emergency medical response; to seismically improve, and modernize neighborhood fire stations and vital public health and homeless service sites; to construct a seismically safe and improved San Francisco Fire Department ambulance deployment facility; ~~construct a seismically safe, modern animal shelter to care for displaced animals and control the spread of disease;~~ and to pay related costs, shall the City and County of San Francisco

issue $350,000,000 in general obligation bonds, subject to citizen oversight and regular audits?"

Each voter to vote in favor of the issuance of the foregoing bond proposition shall mark the ballot in the location corresponding to a "YES" vote for the proposition, and each voter to vote against the proposition shall mark the ballot in the location corresponding to a "NO" vote for the proposition.

Section 9. If at the Bond Special Election it shall appear that two-thirds of all the voters voting on the proposition voted in favor of and authorized the incurring of bonded indebtedness for the purposes set forth in such proposition, then such proposition shall have been accepted by the electors, and bonds authorized shall be issued upon the order of the Board. Such bonds shall bear interest at a rate not exceeding applicable legal limits.

Section 10. For the purpose of paying the principal and interest on the bonds, the Board shall, at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until such bonds are paid, or until there is a sum in the Treasury of the City, or other account held on behalf of the Treasurer of the City, set apart for that purpose to meet all sums coming due for the principal and interest on the bonds, a tax sufficient to pay the annual interest on such bonds as the same becomes due and also such part of the principal thereof as shall become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of such principal.

Section 11. This ordinance shall be published in accordance with any State law requirements, and such publication shall constitute notice of the Bond Special Election and no other notice of the Bond Special Election hereby called need be given.

Section 12. The Board, having reviewed the proposed legislation, makes the following findings in compliance with the California Environmental Quality Act ("CEQA"), California

Public Resources Code Sections 21000 et seq., the CEQA Guidelines, 15 California Administrative Code Sections 15000 et seq., ("CEQA Guidelines"), and San Francisco Administrative Code Chapter 31 ("Chapter 31"): Each of the facilities proposed to be funded with this Bond have been reviewed as required by CEQA. Certain programmatic facilities to be constructed or acquired with proceeds of the Bonds, including the neighborhood fire stations, the homeless shelters and service facilities and the high demand community health centers are statutorily exempt from environmental review under CEQA Guidelines, Section 15273(a)(4). The Environmental Review Officer has determined that the proposed facilities are ~~either~~ exempt from CEQA as follows:

a. PUBLIC HEALTH PROJECTS.

1. San Francisco General Hospital Building 5. On April 6, 2015, the Planning Department determined that interior alterations and seismic retrofit of San Francisco General Hospital Building 5 is categorically exempt from environmental review under Class 1 of CEQA Guidelines Section 15301.

2. Southeast Health Center. On June 16, 2015, the Planning Department determined that renovation of and a two-story horizontal addition to the Southeast Health Center (2401 Keith Street) was categorically exempt from environmental review under Class 32 of the CEQA Guidelines, Section 15332.

3. Community Health Centers. On January 26, 2016, the Planning Department determined that the Bond funding program for the improvement of high demand community health centers across the City and the expansion of access to mental health, urgent care, substance abuse, dental, and social services was statutorily exempt from environmental review under CEQA Guidelines, Section 15273(a)(4)—establishment of rates, tolls, fares, and charges for the purpose of obtaining funds for capital projects necessary to maintain service within existing service.

b. SAFETY PROJECT. On December 11, 2015, the Planning Department determined that the demolition of two small structures and construction of a 30,334 gross square foot San Francisco Fire Department ("SFFD") Emergency Medical Services Facility and 62,000 gross square foot parking structure behind SFFD Fire Station No. 9 at 2245 Jerrold Avenue was categorically exempt from environmental review under Class 32 of the CEQA Guidelines, Section 15332.

~~or have been analyzed in an environmental document and are consistent with such analysis. The Board affirms the determinations, for the reasons set forth in the analyses contained in Board of Supervisors File No. _____, incorporated herein by this reference thereto.~~

c. NEIGHBORHOOD FIRE STATIONS. On January 26, 2016, the Planning Department determined that the Bond funding program for the modernization and upgrade of San Francisco Fire Department neighborhood fire stations citywide was statutorily exempt from environmental review under CEQA Guidelines, Section 15273(a)(4)—establishment of rates, tolls, fares, and charges for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas;

d. HOMELESS HEALTH AND SAFETY PROJECT. On January 26, 2016, the Planning Department determined that the Bond funding program for the improvement of facilities to better serve homeless individuals and families at shelters and homeless service sites, and acquisition and construction of related facilities, was statutorily exempt from environmental review under CEQA Guidelines, Section 15273(a)(4)—establishment of rates, tolls, fares, and charges for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas.

The Board affirms these exemption determinations of the Planning Department, for the reasons set forth in the analyses in these exemptions contained in Board of Supervisors File

No. 151276. The Board finds that based on the whole record before it there are no substantial project changes, no substantial changes in project circumstances, and no new information of substantial importance that would change the conclusions set forth in these exemption determinations by the Planning Department that these proposed projects are exempt from environmental review.

Section 13. The Board finds and declares that the proposed Bond is (a) in conformity with the priority policies of Section 101.1(b) of the Planning Code, (b) in accordance with Section 4.105 of the Charter and Section 2A.53(f) of the Administrative Code, and (c) consistent with the City's General Plan, and adopts the findings of the Planning Department, as set forth in the General Plan Referral Reports dated ~~December~~ January 26, 2016, for the Public Health Projects~~--~~ SFGH Building 5; January 26, 2016, for the Public Health Project - Southeast Health Center; January 26, 2016, for the Safety Project – SFFD Emergency Medical Services Facility; and [Homeless Shelter] -copies of which ~~is~~ are on file with the Clerk of the Board of Supervisors in File No. 151276~~_____ and incorporates such findings by reference~~.

Section 14. Under Section 53410 of the California Government Code, the bonds shall be for the specific purposes authorized in this ordinance and the proceeds of such bonds will be applied only for such specific purposes. The City will comply with the requirements of Sections 53410(c) and 53410(d) of the California Government Code.

Section 15. The Bonds are subject to, and incorporate by reference, the applicable provisions of Administrative Code Sections 5.30 – 5.36 (the "Citizens' General Obligation Bond Oversight Committee"). Under Section 5.31, to the extent permitted by law, one-tenth of one percent (0.1%) of the gross proceeds of the Bonds shall be deposited in a fund established by the Controller's Office and appropriated by the Board of Supervisors at the

direction of the Citizens' General Obligation Bond Oversight Committee to cover the costs of said committee.

Section 16. The time requirements specified in Section 2.34 of the Administrative Code are waived.

Section 17. The appropriate officers, employees, representatives, and agents of the City are hereby authorized and directed to do everything necessary or desirable to accomplish the calling and holding of the Bond Special Election, and to otherwise carry out the provisions of this ordinance.

Section 18. Documents referenced in this ordinance are on file with the Clerk of the Board of Supervisors in File No. 151276 ~~which is hereby declared to be a part of this ordinance as if set forth fully herein.~~

APPROVED AS TO FORM:
DENNIS J. HERRERA,
City Attorney

By: _____
Mark D. Blake
Deputy City Attorney
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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151276 **Date Passed:** February 23, 2016

Ordinance calling and providing for a special election to be held in the City and County of San Francisco on Tuesday, June 7, 2016, for the purpose of submitting to San Francisco voters a proposition to incur the following bonded debt of the City and County: $350,000,000 to finance the construction, acquisition, improvement, seismic strengthening and betterment of critical community and mental health, emergency response and safety, and homeless shelter and service facilities and related costs necessary or convenient for the foregoing purposes; authorizing landlords to pass-through 50% of the resulting property tax increase to residential tenants in accordance with Administrative Code, Chapter 37; finding that the estimated cost of such proposed project is and will be too great to be paid out of the ordinary annual income and revenue of the City and County and will require expenditures greater than the amount allowed therefor by the annual tax levy; reciting the estimated cost of such proposed project; fixing the date of election and the manner of holding such election and the procedure for voting for or against the proposition; fixing the maximum rate of interest on such bonds and providing for the levy and collection of taxes to pay both principal and interest; prescribing notice to be given of such election; adopting findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code, Chapter 31; finding that the proposed bond is in conformity with the eight priority policies of Planning Code, Section 101.1(b), and with the General Plan, consistency requirement of Charter, Section 4.105, and Administrative Code, Section 2A.53; consolidating the special election with the general election; establishing the election precincts, voting places and officers for the election; waiving the word limitation on ballot propositions imposed by Municipal Elections Code, Section 510; complying with the restrictions on the use of bond proceeds specified in California Government Code, Section 53410; incorporating the provisions regarding the Citizens' Bond Oversight Committee in Administrative Code, Sections 5.30-5.36; and waiving the time requirements specified in Administrative Code, Section 2.34.

January 27, 2016 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

January 27, 2016 Budget and Finance Committee - CONTINUED AS AMENDED

February 03, 2016 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

February 03, 2016 Budget and Finance Committee - CONTINUED AS AMENDED

February 08, 2016 Budget and Finance Committee - REFERRED WITHOUT RECOMMENDATION AS COMMITTEE REPORT

February 09, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
Noes: 1 - Peskin

February 23, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
Noes: 1 - Peskin

File No. 151276

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/23/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

2-26-16
Date Approved

FILE NO. 150494 AMENDED IN COMMITTEE 2/8/2016 ORDINANCE NO. 23-16

[Planning, Building Codes - Conditional Use Required to Remove Any Residential Unit and Mandatory Legalization of Illegal Units in C-3 Districts; Permeable Surfaces and Landscaping Requirements Citywide for Building Additions and Residential Mergers]

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit in a C-3 (Downtown Commercial) District (whether legal or illegal) and to require compliance Citywide with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units in C-3 Districts where there is no legal path for legalization and residential units that have received prior Planning approval; amending the Building Code to require that notices of violation in a C-3 District mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, and to require ~~requiring~~ re-issuance of unabated notices of violation in a C-3 District to include the new requirement; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

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(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 150494 and is incorporated herein by reference. The Board affirms this determination.

(b) On December 10, 2015, the Planning Commission, in Resolution No. 19532, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and the eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 150494, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 19532 and the Board incorporates such reasons herein by reference.

Section 2. The Planning Code is hereby amended by revising Sections 132 and ~~317~~ adding Section 317.1, to read as follows:

SEC. 132. FRONT SETBACK AREAS, RTO, RH AND RM DISTRICTS AND FOR REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.

The following requirements for minimum front setback areas shall apply to every building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than 75 feet of street frontage are additionally subject to the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission. Planned Unit

Developments or PUDs, as defined in Section 304, shall also provide landscaping in required setbacks in accord with Section 132(g).

* * * *

(g) **Landscaping and Permeable Surfaces.** The landscaping and permeable surface requirements of this ~~Section~~ Subsection (g) and ~~Section~~ Subsection (h) below shall be met by the permittee in the case of construction of a new building; the addition of a new Dwelling Unit, a garage, or additional parking; *any addition to a structure that would result in an increase of 20% or more of the existing Gross Floor Area, as defined in Section 102; a Residential Merger, as defined in Section 317;* or paving or repaving more than 200 square feet of the front setback. All front setback areas required by this Section 132 shall be appropriately landscaped, meet any applicable water use requirements of Administrative Code Chapter 63, and in every case not less than 20*%* ~~*percent*~~ of the required setback area shall be and remain unpaved and devoted to plant material, including the use of climate appropriate plant material as defined in Public Works Code Section 802.1. For the purposes of this Section 132, permitted obstructions as defined by Section 136(c)(6) chimneys, *Section* 136(c)(14) *steps* ~~*stairs*~~, and *Section* 136(c)*(26)* ~~*(27)*~~ underground garages, shall be excluded from the front setback area used to calculate the required landscape and permeable surface area. If the required setback area is entirely taken up by one or more permitted obstructions, the Zoning Administrator may allow the installation of sidewalk landscaping that is compliant with applicable water use requirements of Chapter 63 of the Administrative Code to satisfy the requirements of this Section 132, subject to permit approval from the Department of Public Works in accordance with Public Works Code Section 810B.

* * * *

SEC. 317.1. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS IN C-3 DISTRICTS THROUGH DEMOLITION, MERGER, AND CONVERSION.

(a) **Definitions.** For the purposes of this Section 317.1, the terms below shall be as defined below. Capitalized terms not defined below are defined in Section 102 of this Code.

"Removal" shall mean, with reference to a Residential or Unauthorized Unit, its Conversion, Demolition, or Merger.

"Residential Conversion" shall mean the removal of cooking facilities, change of occupancy (as defined and regulated by the Building Code), or change of use (as defined and regulated by the Planning Code), of any Residential Unit or Unauthorized Unit to a Non-Residential or Student Housing use.

"Residential Demolition" shall have the meaning set forth in Section 317(b)(2) of this Code.

"Residential Merger" shall mean the combining of two or more Residential or Unauthorized Units, resulting in a decrease in the number of Residential Units and Unauthorized Units within a building, or the enlargement of one or more existing units while reducing the size of other units by more than 25% of their original floor area, even if the number of units is not reduced. The Planning Commission may reduce the numerical element of this criterion by up to 20% of its value should it deem that adjustment necessary to implement the intent of this Section 317.1, to conserve existing housing and preserve affordable housing.

"Residential Unit" shall mean a legal conforming or legal nonconforming Dwelling Unit, or a legal nonconforming Live/Work Unit or Group Housing.

"Unauthorized Unit" shall mean one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property. In this context,

"independent" shall mean that (A) the space has separate access that does not require entering a Residential Unit on the property and (B) there is no open, visual connection to a Residential Unit on the property.

(b) **Applicability; Exemption for Unauthorized Unit.**

(1) Any application for a permit that would result in the Removal of one or more Residential Units or Unauthorized Units in a C-3 (Downtown Commercial) District is required to obtain Conditional Use authorization. The application for a replacement building or alteration permit shall also be subject to Conditional Use requirements.

(2) The Conditional Use requirement of Subsection (b)(1) shall apply to (A) any building or site permit for Removal of an Unauthorized Unit issued on or after March 1, 2016, and (B) any permit for Removal of an Unauthorized Unit issued prior to March 1, 2016, that has been suspended by the City or in which the applicant's rights have not vested.

(3) The Removal of a Residential Unit that has received approval from the Planning Department through administrative approval or the Planning Commission through Discretionary Review or Conditional Use authorization prior to the effective date of this Section 317.1 is not required to apply for an additional approval under Subsection (b)(1).

(4) The Removal of an Unauthorized Unit does not require a Conditional Use authorization pursuant to Subsection (b)(1) if the Department has determined that there is no legal path for legalization.

(c) **Demolition.**

(1) No permit to Demolish a Residential Building in a C-3 District shall be issued until a building permit for the replacement structure is finally approved, unless the building is determined to pose a serious and imminent hazard as defined in the Building Code. A building permit is finally approved if the Board of Appeals has taken final action for approval

on an appeal of the issuance or denial of the permit or if the permit has been issued and the time for filing an appeal with the Board of Appeals has lapsed with no appeal filed.

(2) Conditional Use authorization is required for approval of the permit for Residential Demolition in a C-3 District, and the Commission shall consider the replacement structure as part of its decision on the Conditional Use application. If Conditional Use authorization is required for the replacement structure by other sections of this Code, the Commission shall consider the demolition as part of its decision on the Conditional Use application.

(3) Nothing in this Section 317.1 is intended to exempt buildings or sites where demolition is proposed from undergoing review with respect to Articles 10 and 11 of the Planning Code, where the requirements of those Articles apply. Notwithstanding the definition of "Residential Demolition" in this Section 317.1 and as further described in the Code Implementation Document with regard to Residential Demolition, the criteria of Section 1005 shall apply to projects subject to review under the requirements of Article 10 with regard to the structure itself.

(d) **Conversion to Student Housing.** The conversion of Residential Units to Student Housing is prohibited in C-3 Districts. For the purposes of this subsection (d), Residential Units that have been defined as such by the time a First Certificate of Occupancy has been issued by the Department of Building Inspection for new construction shall not be converted to Student Housing.

(e) **Conditional Use Criteria.** When considering whether to grant Conditional Use authorization for the loss or Removal of Residential or Unauthorized Unit(s) in C-3 Districts, in lieu of the criteria set forth in Planning Code Section 303, consideration shall be given to the adverse impact on the public health, safety, and general welfare of the loss of housing stock in the zoning district and to any unreasonable hardship to the applicant if the permit is denied.

(1) **Residential Merger.** In addition to the criteria set forth in Section 317(e) of this Code, the Planning Commission shall consider the following criteria in the review of applications to merge Residential Units or Unauthorized Units in C-3 Districts:

(A) how recently the unit being removed was occupied by a tenant or tenants; and

(B) the appraised value of the least expensive Residential Unit proposed for merger, when the merger does not involve an Unauthorized Unit.

The Planning Commission shall not approve an application for Residential Merger if any tenant has been evicted pursuant to Administrative Code Sections 37.9(a)(9) through 37.9(a)(14) where the tenant was served with a notice of eviction after December 10, 2013, if the notice was served within 10 years prior to filing the application for merger. Additionally, the Planning Commission shall not approve an application for Residential Merger if any tenant has been evicted pursuant to Administrative Code Section 37.9(a)(8) where the tenant was served with a notice of eviction after December 10, 2013, if the notice was served within five years prior to filing the application for merger. The restriction of thisi paragraph shall not apply if the tenant was evicted under Section 37.9(a)(11) or 37.9(a)(14) and the applicant(s) either (A) have certified that the original tenant reoccupied the unit after the temporary eviction or (B) have submitted to the Planning Commission a declaration from the property owner or the tenant certifying that the property owner or the Rent Board notified the tenant of the tenant's right to reoccupy the unit after the temporary eviction and that the tenant chose not to reoccupy it.

(2) **Residential Conversion.** The Planning Commission shall consider the criteria set forth in Section 317(f)(1) through (4) of this Code in the review of applications for Residential Conversion in C-3 Districts.

(3) **Residential Demolition.** In addition to the criteria set forth in Section 317(d) of this Code, the Planning Commission shall also consider the following criteria in the review of applications for Residential Demolition in C-3 Districts:

(A) whether the replacement project would maximize density on the subject lot; and

(B) if replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all of the existing units with new Dwelling Units of a similar size and with the same number of bedrooms or more.

(4) **Removal of Unauthorized Units.** In addition to the criteria set forth in Subsections (e)(1) through (e)(3) above, the Planning Commission shall also consider the criteria below in the review of applications for removal of Unauthorized Units:

(A) whether the Unauthorized Unit or Units are eligible for legalization under Section 207.3 of this Code;

(B) whether the costs to legalize the Unauthorized Unit or Units under the Planning, Building, and other applicable Codes is reasonable based on how such cost compares to the average cost of legalization per unit derived from the cost of projects on the Planning Department's Master List of Additional Dwelling Units Approved required by Section 207.3(k) of this Code;

(C) whether it is financially feasible to legalize the Unauthorized Unit or Units, based on the costs to legalize the Unauthorized Unit(s) under the Planning, Building, and other applicable Codes in comparison to the added value that legalizing said Units would provide to the subject property. The gain in the value of the subject property shall be based on the current value of the property with the Unauthorized Unit(s) compared to the value of the property if the Unauthorized Unit(s) is/are legalized. The calculation of the gain in value shall

be conducted and approved by a California licensed property appraiser. Legalization shall be deemed financially feasible if the gain in the value of the subject property is equal to or greater than the cost to legalize the Unauthorized Unit.

(5) **Denial of Application to Remove an Unauthorized Unit; Requirement to Legalize the Unit.** If the Planning Commission denies an application to Remove an Unauthorized Unit, the property owner shall file an application for a building permit to legalize the Unit. Failure to do so within a reasonable period of time, as determined by the Zoning Administrator, shall be deemed a violation of the Planning Code.

(f) **Notice of Conditional Use Hearing.** At least 20 days prior to any hearing to consider a Conditional Use authorization under Subsection (b) of this Section 317.1, the Zoning Administrator shall cause a written notice containing the following information to be mailed to all Residential Units and if known any Unauthorized Units in the building, in addition to any other notice required under this Code:

(1) Notice of the time, place, and purpose of the hearing; and

(2) An explanation of the process for demolishing, merging, or converting Residential Units or Unauthorized Units, including a description of subsequent permits that would be required from the Planning Department and Department of Building Inspection and how they could be appealed.

(g) **Exemptions.** This Section 317.1 shall not apply to property:

(1) Owned by the United States or any of its agencies;

(2) Owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental purpose;

(3) Under the jurisdiction of the Port of San Francisco or the Successor Agency to the Redevelopment Agency of the City and County of San Francisco where the application of this Section is prohibited by State or local law; or

(4) Where demolition of the building or Removal of a Residential Unit or Unauthorized Unit is necessary to comply with a court order or order of a City agency that directs the owner to demolish the building or remove the unit, due to conditions that present an imminent threat to life safety.

Section 3. The Planning Code is hereby amended by revising Zoning Control Table 210.2, to read as follows:

Table 210.2
ZONING CONTROL TABLE FOR C-3 DISTRICTS

Zoning Category	*§ References*	*C-3-O*	*C-3-O(SD)*	*C-3-R*	*C-3-G*	*C-3-S*
* * * *						
RESIDENTIAL STANDARDS AND USES						
Development Standards						
Usable Open Space [Per Dwelling Unit]	§§ 135. 136	At least 36 square feet if private, and 48 square feet per dwelling unit if common.				
Residential Parking Requirements	§§ 150, 151.1, 161	None required. P up to one car for each two Dwelling Units; C up to three cars for each four Dwelling Units. NP above.				
Rear Yard Setback	§§ 130, 134	25% of the total depth lot depth, but in no case less than 15 feet for lowest story containing a dwelling unit and each succeeding story. Exceptions are permitted by § 309.				
Residential Conversion, Demolition, or Merger	§ ~~317~~ 317.1	*C for Removal of one or more Residential Units or Unauthorized Units* ~~in C-3, C only for Removal above the ground floor~~ ~~*Loss of 1-2 units mandatory DR/Loss of 3 or more units C.*~~				

* * * *

Section 4. The Building Code is hereby amended by revising Section 102A, to read as follows:

SECTION 102A – UNSAFE BUILDINGS, STRUCTURES, OR PROPERTY

All buildings, structures, property, or parts thereof, regulated by this code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, safety, or health of the occupants or the occupants of adjacent properties or the public by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, or by reason of occupancy or use in violation of law or ordinance, or were erected, moved, altered, constructed, or maintained in violation of law or ordinance are, for the purpose of this chapter, unsafe.

* * * *

102A.3 Inspections and Complaints. The Building Official is hereby authorized to inspect or cause the inspection of any building, structure or property for the purpose of determining whether or not it is unsafe in any of the following circumstances:

1. Whenever the Building Official, with reasonable discretion, determines that such inspection is necessary or desirable.

2. Whenever any person files with the Building Official a complaint from which there is, in the Building Official's opinion, probable cause to believe that the building, structure, or property or any portion thereof, is unsafe.

3. Whenever an agency or department of the City and County of San Francisco transmits to the Building Official a written report from which there is, in the opinion of the Building Official, probable cause to believe that the building, structure, or property, or any portion thereof, is unsafe.

Upon the completion of any such inspection and the finding by the Building Official of any condition which renders the building, structure, or property unsafe, the Building Official shall, within 15 days thereafter, serve a written notice of violation upon the building owner which shall contain specific allegations, setting forth each condition the Building Official has found which renders the building, structure, or property unsafe. The Building Official shall, within three days of mailing of such notice of violation, post a copy thereof in a conspicuous place in or upon such building, structure, or property and make available a copy of the notice of violation to each tenant thereof. Such notice shall also set forth the penalties for violation prescribed in Section 103A of this code. In addition to the civil penalties prescribed in Section 103A, the Department's cost of preparation for and appearance at the hearing required by Section 102A.4, and all prior and subsequent attendant and administrative costs, shall be assessed upon the property owner monthly, after failure to comply with a written notice of violation that has been served upon the property owner. Said violations will not be deemed legally abated until the property owner makes full payment of the assessment of costs to the Department of Building Inspection. See Section 110A, Table 1A-D – Standard Hourly Rates and Table 1A-K – Penalties, Hearings, Code Enforcement Assessments – for the applicable rate. Failure to pay the assessment of costs shall result in tax lien proceedings against the property per Section 102A.18.

If the unsafe conditions observed on the property have not been corrected within the time period provided, the matter shall be set for hearing within 60 days from the compliance date specified on the notice of violation, if not substantial progress in abating the Code violations has commenced.

102A.3.1. ***Dwelling Units constructed or installed without required permit(s).*** *In the case of an unauthorized Dwelling Unit constructed or installed in an existing building* in a C-3 Zoning District *without the required permit or permits, in addition to the above requirements the written notice of*

*violation shall order the property owner to file an application for a building and other permits required to legalize the unit pursuant to Building Code Section 106A.3.1.3 and Planning Code Section 207.3 unless removal of the unit is approved by the Planning Commission pursuant to Planning Code Section 317.*1

102A.3.1.1. ***Re-issuance of an unabated notice of violation.*** *Any notice of violation* in a C-3 Zoning District *issued prior to the effective date of Section 102A.3.1 and that remains unabated shall be re-issued in compliance with the requirements of Section 102A.3.1.*

Section 5. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____ for
JUDITH A. BOYAJIAN
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 150494 **Date Passed:** February 23, 2016

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit in a C-3 (Downtown Commercial) District (whether legal or illegal) and to require compliance Citywide with landscaping and permeable surfaces requirements for building additions and residential mergers, and to exempt from the Conditional Use application requirement illegal units in C-3 Districts where there is no legal path for legalization and residential units that have received prior Planning approval; amending the Building Code to require that notices of violation in a C-3 District order the filing of an application to legalize an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal, and to require re-issuance of unabated notices of violation in a C-3 District to include the new requirement; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

February 01, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

February 01, 2016 Land Use and Transportation Committee - CONTINUED AS AMENDED

February 08, 2016 Land Use and Transportation Committee - DUPLICATED

February 08, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

February 08, 2016 Land Use and Transportation Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

February 09, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 23, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 150494

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/23/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/4/16
Date Approved

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FILE NO. 151251 ORDINANCE NO. 24-16

[Administrative Code - Water Efficient Irrigation]

Ordinance amending the Administrative Code by revising the applicability threshold to 500 square feet for requirements for the development and maintenance of landscape irrigation controls for specified new construction landscapes and landscape rehabilitation projects.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 151251 and is incorporated herein by reference. The Board affirms this determination.

Section 2. The Administrative Code is hereby amended by revising Sections 63.3, 63.4, 63.5, and 63.6, to read as follows:

SEC. 63.3.DEFINITIONS.

The terms used in this ~~*ordinance*~~ *Chapter 63* have the meaning*s* set forth below:

~~*(a)*~~ Certificate of landscape completion: the document required under Section 63.6.2.

~~*(b)*~~ Certified Landscape Irrigation Auditor: a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the *U.S.* Environmental Protection Agency's WaterSense irrigation auditor certification program and the Irrigation Association's Certified Landscape Irrigation Auditor program.

~~(c)~~ Ecological restoration project: a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

~~(d)~~ First certificate of occupancy: either a temporary certificate of occupancy or a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code Section 109A, whichever is issued first.

~~(e)~~ First construction document: the first building permit issued for a project or, in the case of a site permit, the first building permit addendum issued or other document that authorizes construction of the project. "First construction document" shall not include permits or addenda for demolition, grading, shoring, pile driving, or site preparation work.

~~(f)~~ General Manager: the General Manager of the Public Utilities Commission, or his or her designee.

~~(g)~~ Irrigation audit: an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system test with distribution uniformity or emission uniformity, precipitation rates, reporting deficiencies in the system, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. An irrigation audit may include suggested upgrades, current estimated water usage, and suggested system upgrades.

~~(h)~~ Landscape area: all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation, including any adjacent planted areas in the public right-of-way for which the property owner is responsible pursuant to ~~the~~ Section 400.1 and Section 805 of the Public Works Code. The landscape area does not include footprints of buildings or structures unless the footprints include planted areas such as green roofs. The landscape area also does not include sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or

non-pervious hardscapes, and other non-irrigated areas designated for non-development such as open spaces and existing native vegetation.

~~(i)~~ Landscape documentation deadline: the date by which Tier 1 or Tier 2 documentation must be submitted for approval by the General Manager. This date shall be a specified number of days after the issuance of the first construction document as determined by the General Manager ~~and~~ in consultation with the Department of Building Inspection.

~~(j)~~ Landscape rehabilitation project or rehabilitated landscape: includes any modifications to landscape areas over a 12-month period at a site that cumulatively exceeds 1,000 square feet. A landscape rehabilitation project or rehabilitated landscape does not include turf replacements on sports fields where the turf replaced provides a playing surface, routine weeding, brush removal where no new plant materials are installed, or seasonal plantings in areas dedicated solely to edible plants.

~~(k)~~ Low water use plants or climate appropriate plants: plants, shrubs, groundcovers or tree species that meet at least one of the following conditions:

(1) The species has a water use ranking of "low" or "very low" in Region 1 (North-Central Coast) as established in the California Department of Water Resources ~~2000~~*2014* publication "Water Use Classification of Landscape Species" or subsequent editions as it may be updated.

(2) The species has a water use ranking of "no water," "little water," or "little to moderate water" in the climate zone for the planting location as established in the Sunset Western Garden Book, ~~*Eighth*~~*Ninth* Edition, published by Oxmoor House on February ~~*1*~~*7*, ~~*2007*~~*2012*, or subsequent editions as it may be updated.

(3) The plantings are part of an engineered stormwater management feature approved by the General Manager pursuant to the San Francisco Stormwater *Management Requirements and* Design Guidelines established by the Public Utilities Commission;

(4) The Department of Public Works, the Recreation and Park Department, or the General Manager has determined that the species, when watered for sufficient plant health and appearance, is low water use based on the agency's experience with the species, and the agency has added the species to the Low Water Use and Climate Appropriate Plant List maintained by the General Manager;

(5) The species appears on the San Francisco Street Tree Species List established by the Department of Public Works Bureau of Urban Forestry;

(6) The planting is part of a species test approved by the Department of Public Works or the Recreation and Park Department; or

(7) The species has been permitted at the site by the Department *of* Public Works or the General Manager based on wet soil conditions stemming from proximity to naturally occurring water features such as a high water table, springs, ponds, lakes, creeks, and wetlands.

~~(l)~~ Maximum Applied Water Allowance: the amount of annual applied water established by the Public Utilities Commission for a landscaped area, using State mandated formulas and accounting for local climatic conditions, that serves as an upper limit for lawful water use for irrigating landscaped areas.

~~(m)~~ New construction landscape project: the total area of landscape in the project as defined in landscape area, and the modified landscape area for a landscape rehabilitation project.

~~(n)~~ Project applicant: the person or entity applying for approval of a landscape project for a new construction project or a landscape rehabilitation project. A project applicant may be the property owner or his or her designee.

~~(o)~~ Property Owner: the legal owner of a property.

~~(p)~~ Special landscape area: an area of the landscape dedicated solely to edible plants, *recreational* areas, *and water features and* irrigated *areas using* all or ~~in~~ part *of* ~~with gray water or harvested rain water~~ *non-potable water*~~water features using only harvested rain water, and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface~~.

SEC. 63.4. APPLICABILITY.

(a) This ~~chapter~~ *Chapter 63* shall apply to the following:

(1) Tier 1: All public agency, residential, and commercial ~~new construction landscape projects and~~ rehabilitated landscape projects with a modified landscape area equal to or greater than 1,000 square feet and less than 2,500 square feet;

(2) Tier 2: All public agency, residential and commercial new construction ~~and rehabilitated~~ landscape projects with *a landscape area equal to or greater than 500 square feet; and landscape rehabilitation projects with a* modified landscape area equal to or greater than 2,500 square feet;

(3) The irrigation and maintenance of any landscape irrigation system in the City and County of San Francisco.

(b) This ~~ordinance~~ *Chapter 63* does not apply to:

(1) Registered local, State, or Federal historical sites where the landscape is maintained as part of the historical integrity of the site;

(2) Ecological restoration projects that do not require a permanent irrigation system; *and*

(3) Plant collections or animal habitat areas, as part of botanical gardens, zoological gardens, and arboretums, open to the public.

(c) The General Manager may waive some or all of the requirements of this ~~*chapter*~~ *Chapter 63* if, based on a site inspection, the General Manager determines that compliance is not feasible.

(d) A process for document submissions and approvals pursuant to Section 63.6.1 will be developed by the General Manager in conjunction with the Department of Building Inspection, with the purpose of administrative efficiency and effective customer service.

SEC. 63.5. REGULATION OF LANDSCAPE IRRIGATION EFFICIENCY.

(a) Landscape projects shall be installed, constructed, operated, and maintained in accordance with this ~~*chapter*~~ *Chapter 63* and the rules and regulations adopted by the Public Utilities Commission that establish limits on water consumption for the purpose of irrigating landscape areas that are part of new construction, landscape rehabilitation projects, and existing landscapes.

(b) Landscape projects shall be planted and irrigated efficiently by complying with water efficient design and operation requirements developed by the General Manager, including but not limited to the use of low water use plants or climate appropriate plants, restrictions on turf areas over 25% of the total landscaped area or on steep slopes, irrigation system audits, *and* regular irrigation scheduling and maintenance practices.

(c) All landscape projects shall not exceed a Maximum Applied Water Allowance using the formulas developed by the General Manager for local climate conditions within the City and County of San Francisco.

(d) Landscape areas irrigated with ~~*graywater or harvested rain*~~ *non-potable* water may have a Maximum Applied Water Allowance that exceeds those for landscapes irrigated with potable water.

(e) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock

cooperatives as defined in Section 1351 of the California Civil Code, shall not prohibit or include conditions that have the effect of prohibiting the use of low water use plants as a group.

SEC. 63.6. PROVISIONS FOR WATER EFFICIENT LANDSCAPES FOR NEW CONSTRUCTION AND LANDSCAPE REHABILITATION PROJECTS.

(a) Tier 1: Beginning *on the effective date of the amendments to this Chapter 63*, ~~*January 1, 2011,*~~ project applicants for all public agency, commercial, and residential ~~*new construction landscape projects and*~~ landscape rehabilitation projects, with a modified landscape area equal to or greater than 1,000 square feet and less than 2,500 square feet, shall comply with this ~~*chapter*~~ *Chapter 63* and the rules and regulations adopted by the Public Utilities Commission.

(b) Tier 2: Beginning *on the effective date of the amendments to this Chapter 63*, ~~*January 1, 2011*~~, ~~the~~ project applicants for all public agency, commercial, and residential new construction landscape projects *with a landscape area equal to or greater than 500 square feet;* ~~*and*~~ landscape rehabilitation projects with a modified landscape area equal to or greater than 2,500 square feet~~;~~ or a project under Tier 1 with a turf limitation exceeding 25*%* ~~*percent*~~ of the landscape area, shall comply with this ~~*chapter*~~ *Chapter 63* and the rules and regulations adopted by the Public Utilities Commission.

(c) Beginning January 1, ~~*2011*~~ *2016*, property owners maintaining a total irrigated landscape of 10 acres or greater may submit compliance plans for approval by the General Manager that support a programmatic approach to compliance with this ~~*chapter*~~ *Chapter 63*, rather than through the review and approval of individual landscape rehabilitation projects.

Section 3. In amending the effective dates of the amendments stated in Section 63.6 of the Administrative Code, this ordinance does not intend to change the legal obligations created by Section 63.6 from January 1, 2011 forward, except to the extent that changes in

the legal obligations created by this ordinance shall become operative as of the amended dates stated in Section 63.6.

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
John Roddy
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151251 **Date Passed:** February 23, 2016

Ordinance amending the Administrative Code by revising the applicability threshold to 500 square feet for requirements for the development and maintenance of landscape irrigation controls for specified new construction landscapes and landscape rehabilitation projects.

February 01, 2016 Land Use and Transportation Committee - RECOMMENDED

February 09, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 23, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151251

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/23/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/4/16
Date Approved

AMENDED IN COMMITTEE
2/3/16

FILE NO. 151259 ORDINANCE NO. 25-16

[Administrative Code - City-Owned Fiber-Optic Facilities]

Ordinance amending the Administrative Code to require the Department of Technology to gather information from City departments concerning City-owned fiber-optic facilities; and to require the Public Utilities Commission to consider and approve any future expansion of City-owned fiber-optic facilities.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Administrative Code is hereby amended by adding Chapter 22E, Sections 22E.1 to 22E.4, to read as follows:

CHAPTER 22E. CITY-OWNED FIBER-OPTIC FACILITIES

SEC. 22E.1. FINDINGS.

(a) A number of City departments control fiber-optic facilities that they use to provide municipal and other services. In addition to the Department of Technology, these departments include the Municipal Transportation Agency and the Public Utilities Commission.

(b) Because no single City department controls these fiber-optic facilities, City departments are not in a position to make the best use of these valuable City assets.

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SEC. 22E.2. CENTRALIZED MAP OF FIBER-OPTIC FACILITIES.

(a) By December 31, 2016, the Department of Technology shall develop a list, map, and catalogue of all City-owned fiber-optic facilities in digital format that shall be readily available to all City departments.

(b) The Department of Technology shall ensure that the list, map, and catalogue are regularly updated as additional fiber-optic facilities are obtained by City departments.

(c) Any City department needing fiber-optic facilities to provide municipal or other services shall contact the Department of Technology to determine whether any existing City-owned fiber-optic facilities are available to serve the department's needs.

~~(d) The requirements of this section shall be subject to funding by the Board of Supervisors.~~

SEC. 22E.3. FUTURE EXPANSION OF CITY-OWNED FIBER-OPTIC FACILITIES.

(a) *The Public Utilities Commission shall consider and approve any future* efforts to develop a City-wide fiber-optic network ~~expansion of City-owned fiber-optic facilities~~.

(b) The requirements of this section shall be subject to funding by the Board of Supervisors.

SEC. 22E.4. DEFINITION OF FIBER-OPTIC FACILITIES.

"Fiber-optic facilities" shall mean optical fiber strands, cables, conduits, connectors/splitters, and all associated transmitters and receivers.

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
WILLIAM K. SANDERS
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151259 **Date Passed:** February 23, 2016

Ordinance amending the Administrative Code to require the Department of Technology to gather information from City departments concerning City-owned fiber-optic facilities; and to require the Public Utilities Commission to consider and approve any future expansion of City-owned fiber-optic facilities.

February 03, 2016 Budget and Finance Committee - AMENDED

February 03, 2016 Budget and Finance Committee - RECOMMENDED AS AMENDED

February 09, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 23, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151259

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/23/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/4/16
Date Approved

AMENDED IN COMMITTEE
1/27/16

FILE NO. 151278 ORDINANCE NO. 26-16

[Agreement Amendment - AT&T Corporation - Telecommunications Services - Not to Exceed ~~$121,764,312~~$122,429,557]

Ordinance retroactively authorizing the Department of Technology and the Department of Contract Administration to enter into the Third Amendment of an Agreement between the City and the AT&T Corporation, for the City's telecommunications services, by extending the term of the agreement for an additional five years through December 31, 2020, and increasing the total not-to-exceed amount of the agreement from $97,953,700 to ~~$121,764,312~~ $122,429,557.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Background. The Department of Technology (the "Department") procures local and long distance telephone and data services for the City under an agreement with AT&T (the "Agreement") that incorporates the State of California's CALNET3 agreement. The CALNET3 Agreement offers California public entities a purchasing vehicle for telecommunications services at lower prices than the entities might be able to secure for themselves individually.

The Agreement allows the City to purchase telecommunications services under the best pricing available to public entities. The Agreement also allows non-profit agencies in San Francisco to purchase telecommunications services directly from AT&T at the preferred pricing available to the City.

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By Ordinance 98-10, the City approved the Agreement for a term of four and one-half years, beginning on March 1, 2010 and a maximum amount of $75,000,000. Ordinance 98-10 is on file with the Clerk of the Board of Supervisors in File No.100251 and is also available on the Board's website.

By Ordinance 39-15, the City approved an extension of the agreement to December 31, 2015 and a maximum amount of $97,953,700. Ordinance 39-15 is on file with the Clerk of the Board of Supervisors in File No.141208 and is also available on the Board's website.

Section 2. The Third Amendment. The Third Amendment to the Agreement is on file with the Clerk of the Board of Supervisors in File No. 151278. The Third Amendment would extend the term of the Agreement through December 31, 2019 with a one year option to extend through December 31, 2020. The Department has evaluated the needs of City Departments through 2020 and has determined the five year extension will increase the not to exceed amount of the Agreement by an additional ~~$23,810,612~~ $24,475,857.

Section 3. Authorizations: Section 9.118 of the San Francisco Charter requires approval by the Board of Supervisors for leases with a term of ten years or more, and for contracts in excess of ten years or requiring expenditures above ten million dollars.

(a) The Board of Supervisors authorizes the Department and the Office of Contract Administration to execute the Third Amendment in substantially the form on file with the Clerk of the Board of Supervisors, in File No. 151278, extending the term of the agreement to December 31, 2020 and increasing the total not-to-exceed amount of the agreement to ~~$121,764,312~~ $122,429,557.

///

///

///

///

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
MARGARITA GUTIERREZ
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151278 **Date Passed:** February 23, 2016

Ordinance retroactively authorizing the Department of Technology and the Department of Contract Administration to enter into the Third Amendment of an Agreement between the City and the AT&T Corporation, for the City's telecommunications services, by extending the term of the agreement for an additional five years through December 31, 2020, and increasing the total not-to-exceed amount of the agreement from $97,953,700 to $122,429,557.

January 27, 2016 Budget and Finance Committee - AMENDED

January 27, 2016 Budget and Finance Committee - CONTINUED AS AMENDED

February 03, 2016 Budget and Finance Committee - RECOMMENDED

February 09, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 23, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151278

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 2/23/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/4/16
Date Approved

[Establishing an Infrastructure Financing District and Adopting an Infrastructure Financing Plan (Port of San Francisco)]

Ordinance establishing an Infrastructure Financing District (including Sub-Project Area G-1 (Pier 70 – Historic Core)) and adopting an Infrastructure Financing Plan (including Appendix G-1) for City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco); approving a Tax Administration Agreement; affirming the Planning Department's determination under the California Environmental Quality Act; and approving other matters in connection therewith.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

(a) Findings. The Board of Supervisors of the City and County of San Francisco hereby finds, determines, and declares based on the record before it that:

(1) California Statutes of 1968, Chapter 1333 (Burton Act) and San Francisco Charter Section 4.114 and Appendix B, beginning at Section B3.581, empower the City and County of San Francisco (City), acting through the Port Commission, with the power and duty to use, conduct, operate, maintain, manage, regulate, and control the lands within Port Commission jurisdiction.

(2) Under California Government Code Sections 53395 et seq. (IFD Law), the Board of Supervisors is authorized to establish an infrastructure financing district and to act as the legislative body for such an infrastructure financing district. More specifically, the Board of Supervisors is authorized to establish "waterfront districts" under Section 53395.8 of

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the IFD Law, including a waterfront district for approximately 65 acres of waterfront land in the area known as Pier 70 (a "Pier 70 district"), and approve "Pier 70 enhanced financing plans" pursuant to Section 53395.81 of the IFD Law.

(3) Pursuant to Section 53395.8 of the IFD Law, a waterfront district may be divided into project areas, each with distinct limitations under IFD Law.

(4) By Resolution No. 123-13, which the Board of Supervisors adopted on April 23, 2013 and the Mayor approved on April 30, 2013, the City adopted "Guidelines for the Establishment and Use of Infrastructure Financing Districts on Project Areas on Land under Jurisdiction of the San Francisco Port Commission" (Port IFD Guidelines) relating to the formation of infrastructure financing districts by the City on waterfront property in San Francisco under the jurisdiction of the Port Commission.

(5) By Resolution No. 110-12, which the Board of Supervisors adopted on March 27, 2012 and the Mayor approved on April 5, 2012 (Original Resolution of Intention to Establish IFD), the City declared its intention to establish a waterfront district to be known as "City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco)" (IFD), and designated initial project areas within the IFD (Project Areas).

(6) By Resolution No. 227-12, which the Board of Supervisors adopted on June 12, 2012 and the Mayor approved on June 20, 2012 (First Amending Resolution), the City amended the Original Resolution of Intention to Establish IFD to propose, among other things, an amended list of Project Areas.

(7) By Resolution No. 421-15, which the Board of Supervisors adopted on November 17, 2015 and the Mayor approved on November 25, 2015 (Second Amending Resolution, and together with the Original Resolution of Intention to Establish IFD and the First Amending Resolution, the "Resolution of Intention to Establish IFD"), the City declared its intention to establish Sub-Project Area G-1 (Pier 70 - Historic Core) within the Pier 70 district.

(8) Sub-Project Area G-1 (Pier 70 - Historic Core) is within the Pier 70 district and includes property that the City, acting by and through the Port Commission, has leased to Historic Pier 70, LLC (an affiliate of Orton Development, Inc.) pursuant to Lease No. L-15814, dated as of July 29, 2015 (Lease), which property will be rehabilitated pursuant to a Lease Disposition and Development Agreement, dated as of September 16, 2014, by and between the City, acting by and through the Port Commission, and Historic Pier 70, LLC (LDDA).

(9) Sub-Project Area G-1 (Pier 70 - Historic Core) is within the Eastern Neighborhoods Community Plan Area, for which the Planning Commission certified the Eastern Neighborhoods Rezoning and Area Plans Final EIR (EN FEIR) (Planning Department Case No. 2004.0160E).

(10) The Planning Department reviewed the Crane Cove Park project (Crane Cove Project) and the project described in the LDDA (Historic Core Project) and determined that a community plan exemption (CPE) under CEQA Guidelines Section 15183 would be appropriate because the Historic Core Project and the Crane Cove Project are within the scope of the EN FEIR and would not have any additional or significant adverse effects that were not examined in the EN FEIR, nor has any new or additional information come to light that will alter the conclusions of the EN FEIR. Thus, the Historic Core Project and the Crane Cove Project will not have any new effects on the environment that were not previously identified, nor will any environmental impacts be substantially greater than described in the EN FEIR. No mitigation measures previously found infeasible have been determined to be feasible, nor have any new mitigation measures or alternatives been identified but rejected by the Port.

(11) Based on those findings, the Planning Department prepared a CPE for the Historic Core Project (Historic Core CPE), which exemption was approved on May 7, 2014 (Planning Department Case No. 2013.1168E) and the Planning Department subsequently

prepared a CPE for the Crane Cove Project (Crane Cove CPE) on October 5, 2015 (Planning Department Case No. 2015-001314ENV), copies of which are on file at File No. 151119 and also available online through the Planning Department's web page.

(12) The Board of Supervisors has reviewed the EN FEIR (a copy of which is on file at File No. 081133, and also available online through the Planning Department's web page), the Historic Core CPE, and the Crane Cove CPE.

(13) All applicable mitigation measures from the EN FEIR have been incorporated into the Historic Core CPE and Crane Cove CPE, or have been required as conditions of approval through the Port Commission's adoption of the Mitigation Monitoring and Reporting Program (MMRP) attached to Port Commission Resolutions 14-33 and 15-38 and the Board of Supervisors adoption of the Historic Core Project MMRP attached to Resolution No. 273-14 in File No. 140729 on July 22, 2014.

(14) The Resolution of Intention to Establish IFD directed the Executive Director of the Port (Executive Director) to prepare an infrastructure financing plan for the IFD (Infrastructure Financing Plan) and Sub-Project Area G-1 consistent with the requirements of the IFD Law.

(15) As required by the IFD Law, the Executive Director:

(A) Prepared the Infrastructure Financing Plan for the IFD as a whole, describing the procedures by which property tax increment from project areas in the IFD will be allocated to specific public facilities, which creates a government funding mechanism that does not commit to any specific project that may result in a potentially significant physical impact on the environment and therefore is exempt from CEQA; and,

(B) Prepared Appendix G-1 to the Infrastructure Financing Plan, proposing an allocation of property tax increment from proposed Sub-Project Area G-1 (Pier 70 - Historic Core) to finance the public facilities described in Appendix G-1 to the

Infrastructure Financing Plan, which development and public facilities have been analyzed under CEQA in the EN FEIR, the Historic Core CPE, and Crane Cove CPE; and,

(C) Sent the Infrastructure Financing Plan, including Appendix G-1, along with the EN FEIR, the Historic Core CPE and Crane Cove CPE, to the City's Planning Department and the Board of Supervisors.

(16) The Clerk of the Board of Supervisors made the Infrastructure Financing Plan, including Appendix G-1, available for public inspection.

(17) ~~On January 26, 2016 f~~Following publication of notice consistent with the requirements of the IFD Law, the Board of Supervisors opened~~held~~ a public hearing on January 26, 2016, and continued the public hearing on February 23, 2016, relating to the proposed Infrastructure Financing Plan, including Appendix G-1.

(18) At the hearing any persons having any objections to the proposed Infrastructure Financing Plan, including Appendix G-1, or the regularity of any of the prior proceedings, and all written and oral objections, and all evidence and testimony for and against the adoption of the Infrastructure Financing Plan, including Appendix G-1, were heard and considered, and a full and fair hearing was held.

(19) There has been presented at this Board hearing a form of Tax Administration Agreement (Tax Administration Agreement), by and between the City acting through the Port Commission, on its own behalf and as agent of the IFD with respect to Sub-Project Area G-1 (Pier 70 - Historic Core), and a corporate trustee to be identified in the future by the Executive Director, that provides, among other things, for the administration and disposition of tax increment revenues allocated to the IFD with respect to Sub-Project Area G-1 (Pier 70 - Historic Core).

(20) Historic Pier 70, LLC , the Lease tenant, acknowledged in the Lease that Port stated its intention to cause the City to form (i) a community facilities district (Facilities

CFD) under the Mello-Roos Community Facilities Act of 1982 (California Government Code §§ 53311 - 53368), the San Francisco Special Tax Financing Law (Admin. Code ch. 43, art. X) or similar law (collectively, the "CFD Law") to finance Pier 70 wide Infrastructure, Shoreline Protection Facilities and Public Facilities (as such terms are defined in the Lease) and, (ii) a community facilities district (Services CFD) under the CFD Law to finance the operation and maintenance of Pier 70 wide Infrastructure, Shoreline Protection Facilities and Public Facilities, such as the ongoing operating and maintenance costs for Crane Cove Park and 20th Street.

(21) Appendix G-1 (i) contemplates the potential issuance of Facilities CFD bonds that are secured by tax increment from Sub-Project G-1 to help finance the public facilities described in Appendix G-1 and (ii) expects that 100% of the cost of maintaining and operating Crane Cove Park and other spaces/facilities within and around Sub-Project Area G-1 will be funded by a Services CFD, not the City's general fund.

(b) CEQA Finding. The Board of Supervisors hereby finds that, pursuant to Title 14, California Code of Regulations, Sections 15378 and 15060(c)(2), adoption of this ordinance, the establishment of the IFD (excluding Sub-Project Area G-1 (Pier 70-Historic Core)), and approval of the IFP (excluding Appendix G-1) are not "projects" under the California Environmental Quality Act because they do not result in a physical change in the environment. With respect to Appendix G-1, affirming by this reference the Historic Core CPE and the Crane Cove CPE.

(c) Formation of IFD and Approval of IFP. By the passage of this Ordinance, the Board of Supervisors hereby (i) declares the IFD described in the Infrastructure Financing Plan, including Sub-Project Area G-1 (Pier 70 - Historic Core), to be fully formed and established with full force and effect of law, (ii) approves the Infrastructure Financing Plan, including Appendix G-1, subject to amendment as permitted by IFD Law, and (iii) establishes

the base year for Sub-Project Area G-1 (Pier 70 – Historic Core) as set forth in the Infrastructure Financing Plan, all as provided in the proceedings for the IFD and in the IFD Law. It is hereby found that all prior proceedings and actions taken by the Board of Supervisors with respect to the IFD, including Sub-Project Area G-1 (Pier 70 – Historic Core), were valid and in conformity with the IFD Law and the Port IFD Guidelines.

(d) Port as Agent. The Board of Supervisors hereby appoints the Port Commission to act as the agent of the IFD with respect to Sub-Project Area G-1 (Pier 70 - Historic Core), which agency shall include the authority to: (1) disburse tax increment from Sub-Project Area G-1 (Pier 70 - Historic Core) as provided in Appendix G-1; (2) enter into one or more acquisition agreements that would establish the terms and conditions under which the Port and other City agencies would acquire the public facilities described in Appendix G-1; (3) determine in collaboration with the Office of Public Finance whether and in what amounts the IFD will issue or incur indebtedness for the purposes specified in Appendix G-1 and enter into agreements related to such indebtedness; (4) if the IFD issues or incurs indebtedness, direct the disbursement of the debt proceeds in conformance with Appendix G-1; (5) incur ~~Qualified Port Costs~~ Port Benefit Tasks and Port Benefit Costs (as defined in the LDDA); and (6) prepare the annual statement of indebtedness required by the IFD Law for Sub-Project Area G 1 (Pier 70 – Historic Core).

(e) Tax Administration Agreement. The Tax Administration Agreement, substantially in the form presented to the Board of Supervisors, a copy of which is on file with the Clerk, in File No. 151119 is hereby approved. The Port Commission, on its own behalf and as agent of the IFD with respect to Sub-Project Area G-1 (Pier 70 - Historic Core), is hereby authorized to execute the Tax Administration Agreement with such changes, additions and modifications as the Executive Director, upon consultation with the City Attorney, may make or approve. The

approval by the Executive Director of such modifications, changes and additions shall be conclusively evidenced by the execution and delivery of the Tax Administration Agreement.

(f) Community Facilities District. Consistent with the provisions of the Lease, the Board of Supervisors hereby directs the Port's Executive Director to bring, when the Port's Executive Director determines the time is appropriate, a request to the Board of Supervisors to form a community facilities district to help finance the operation and maintenance of the public facilities described in Appendix G-1, such as the ongoing operating and maintenance costs for Crane Cove Park and 20th Street.

(fg) Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid or unconstitutional.

(gh) Publication. The Clerk of the Board of Supervisors shall cause this Ordinance to be published within 5 days of its passage and again within 15 days after its passage, in each case at least once in a newspaper of general circulation published and circulated in the City.

(~~h~~i) Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Grace Park
Deputy City Attorney

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151119 **Date Passed:** March 01, 2016

Ordinance establishing an Infrastructure Financing District (IFD) (including Sub-Project Area G-1 (Pier 70 - Historic Core) and adopting an Infrastructure Financing Plan (IFP) (including Appendix G-1) for City and County of San Francisco Infrastructure Financing District No. 2 (Port of San Francisco); approving a Tax Administration Agreement; affirming the Planning Department's determination under the California Environmental Quality Act; and approving other matters in connection with the IFD and IFP, as defined herein.

January 26, 2016 Board of Supervisors - CONTINUED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 23, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Wiener and Yee
Absent: 1 - Mar

February 23, 2016 Board of Supervisors - PASSED ON FIRST READING AS AMENDED.

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Wiener and Yee
Absent: 1 - Mar

March 01, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151119

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/1/2016 by the Board of Supervisors of the City and County of San Francisco.

Reggy Nevin
for Angela Calvillo
Clerk of the Board

Mayor

3/11/2016
Date Approved

AMENDED IN COMMITTEE
2/11/16

FILE NO. 151005 ORDINANCE NO. 28-16

[Administrative Code - Extending Single Room Occupancy Task Force]

Ordinance amending the Administrative Code to codify the Single Room Occupancy Task Force and extend its sunset date by three years to December 31, 2018.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

ARTICLE XXVIII:

SINGLE ROOM OCCUPANCY TASK FORCE

Sec. 5.28-1. Creation of Task Force.

Sec. 5.28-2. Findings.

Sec. 5.28-3. Membership.

Sec. 5.28-4. Organization and Terms of Office.

Sec. 5.28-5. Duties.

Sec. 5.28-6. Meetings and Procedures.

Sec. 5.28-7. Sunset.

SEC. 5.28-1. CREATION OF TASK FORCE.

The Board of Supervisors hereby establishes the Single Room Occupancy Task Force (the "Task Force") of the City and County of San Francisco.

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SEC. 5.28-2. FINDINGS.

(a) In 1999, the Board of Supervisors created the Single Room Occupancy Health, Stabilization and Safety Task Force in response to a rash of fires that resulted in over 900 single room occupancy (SRO) units being eliminated from the housing market due to fire since 1988. In 2006, in Resolution No. 459-06, the Board reconfigured the Task Force, renamed it the SRO Task Force, reduced its membership from 32 to 13 voting members and a Chair who votes only in the event of a tie vote, and extended its sunset date to December 31, 2009. In 2009, in Resolution No. 457-09, the Board changed the membership of the Task Force again, increasing its size to 14 voting members and a non-voting Chair, and extended its sunset date to December 31, 2012. In 2010, in Resolution No. 582-10, the Board eliminated the non-voting Chair. In 2013, in Resolution No. 09-13, the Board again extended the sunset date to December 31, 2015. This Article XXVIII codifies the Task Force in the Administrative Code.

(b) During its existence, the SRO Task Force has been successful in fulfilling its original mission of preventing and improving the City's response to SRO fires, and has expanded its goals to include quality of life issues faced by residents of SRO hotels.

SEC. 5.28-3. MEMBERSHIP.

(a) The Task Force shall consist of thirteen members, appointed as follows:

(1) Seats 1 and 9 shall be held by a current tenant of an SRO, appointed by the Board of Supervisors.

(2) Seats 2 and 3 shall be held by owners or operators of SROs, appointed by the Board of Supervisors.

(3) Seat 4 shall be held by an employee or officer of a nonprofit organization that owns or operates an SRO, appointed by the Board of Supervisors.

(4) Seat 5 shall be held by an employee or officer of the Mission SRO Collaborative, appointed by the Board of Supervisors.

(5) Seat 6 shall be held by an employee or officer of the Central City SRO Collaborative, appointed by the Board of Supervisors.

(6) Seat 7 shall be held by an employee or officer of the Chinatown SRO Collaborative, appointed by the Board of Supervisors.

(7) Seat 8 shall be held by an employee or officer of the Families SRO Collaborative, appointed by the Board of Supervisors.

(8) Seat 10 shall be held by an employee of the Human Services Agency, appointed by the Director of the Human Services Agency .

(9) Seat 11 shall be held by an employee of the Department of Building Inspection, appointed by the Director of the Department of Building Inspection.

(10) Seat 12 shall be held by an employee of the Department of Public Health working in the Housing and Urban Health Section, appointed by the Director of the Department of Public Health.

(11) Seat 13 shall be held by an employee of the Department of Public Health working in the Environmental Health Section, appointed by the Director of the Department of Public Health.

The City Attorney shall assign a representative to advise the Task Force.

SEC. 5.28-4. ORGANIZATION AND TERMS OF OFFICE.

(a) Each member shall serve at the pleasure of the member's appointing authority, and shall serve for the life of the Task Force unless removed by the appointing authority.

(b) If a vacancy occurs in any seat on the Task Force, the appointing authority for the vacated seat shall appoint a successor to that seat.

(c) Members of the Task Force shall receive no compensation from the City, except that the members in seats 10 through 14 13 *may receive their regular salaries for time spent on the Task Force because they are serving in an official capacity as representatives of their departments.*

(d) Any member who misses three regular meetings of the Task Force without the express approval of the Task Force at or before each missed meeting shall be deemed by operation of law to have resigned from the Task Force ten days after the third unapproved absence. The Task Force shall inform the appointing authority of the resignation.

(e) The Department of Building Inspection shall provide clerical and administrative support and staffing for the Task Force.

SEC. 5.28-5. DUTIES.

(a) The Task Force shall assist the Board of Supervisors, the Mayor, and all City departments in achieving two primary goals: (1) that all SRO hotels in the City are safe, accessible, and stable places to reside, and (2) that affordable, healthy, and appropriate housing options are available in the City so that extremely low-income families do not have to raise their children in SRO hotels. To achieve those goals, the Task Force shall identify and provide training and consultation; develop and recommend legislation, regulations, policies, and/or procedures; monitor compliance with relevant laws, regulations, policies, and/or procedures; recommend strategies to move families out of SROs and into permanent housing; advocate goals for assuring housing is affordable to extremely low-income families; and advocate strategies to prevent families from losing their housing.

(b) All City departments, commissions, boards, and agencies shall cooperate with the Task Force in conducting its business.

SEC. 5.28-6. MEETINGS AND PROCEDURES.

(a) The Task Force shall hold a regular meeting not less than once every month until the sunset date set forth in Section 5.28-7.

(b) The Task Force shall elect its own officers and may establish rules for its own organization and procedures.

SEC. 5.28-7. SUNSET.

Unless extended by ordinance, this Article XXVIII shall expire by operation of law, and the Task Force shall terminate, on December 31, 2018. After the expiration of the Task Force, the City Attorney shall cause this Article to be removed from the Administrative Code.

Section 2. Effective Date; Retroactivity. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance. Should the effective date of this ordinance be after December 31, 2015, the ordinance shall be retroactive to December 31, 2015; and the service of Task Force members shall not be considered to have terminated as of that date, but shall be considered as having continued, uninterrupted, beyond that date.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151005 **Date Passed:** March 01, 2016

Ordinance amending the Administrative Code to codify the Single Room Occupancy Task Force and extend its sunset date by three years to December 31, 2018.

February 11, 2016 Rules Committee - AMENDED

February 11, 2016 Rules Committee - RECOMMENDED AS AMENDED

February 23, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 01, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151005

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/1/2016 by the Board of Supervisors of the City and County of San Francisco.

Regina Neven
for Angela Calvillo
Clerk of the Board

Mayor

3/11/2016
Date Approved

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FILE NO. 151228 MAY - 3 2016 ORDINANCE NO. 29-16

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[Administrative Code - Special Law Enforcement Services ("10B Officers")]

Ordinance amending the Administrative Code to require event organizers seeking additional Police Department personnel ("10B officers") and equipment for law enforcement purposes to include a request for approval of alcohol license application, if applicable, and a security plan with the request for those services; require the Department to respond to the request for services, and provide a staffing plan if the response is favorable, at least 90 days before the event if the request was received at least 125 days before the event; require the Chief of Police to reconsider denials and staffing plans if so requested; and require the Department after the event to provide to the event organizer and the Entertainment Commission a written report reviewing the use of 10B officers at the event and the costs of the event.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Administrative Code is hereby amended by revising Sections 10B.1 and 10B.2, to read as follows:

SEC. 10B.1. REQUEST FOR POLICE SERVICES.

(a) Definitions. For purposes of Sections 10B.1 through 10B.5, the following definitions shall apply:

"ABC Application" shall mean a California Department of Alcohol Beverage Control Daily License Application Form or any successor form.

"Approval" shall mean the Chief's signature.

"Chief" shall mean the Chief of the Police Department or the Chief's designee.

"Department" shall mean the Police Department.

"Event Organizer" shall mean the person, firm, corporation, or organization hosting a cultural, recreational, entertainment, arts, educational, civic or religious event, including festivals and block parties, and seeking additional personnel, equipment, or materials of the Department, for law enforcement purposes within the City and County of San Francisco.

"Security Plan" shall mean a plan drafted by the Event Organizer that adequately addresses the safety of persons and property associated with the event subject to the request for police services.

The definition of Security Plan in this Subsection 10B.1 (a) does not limit the discretion of the Department to impose more stringent requirements for a Security Plan as circumstances warrant.

(b) Any person, corporation, firm or organization desiring additional personnel, equipment, or materials of the ~~San Francisco Police~~ Department, for law enforcement purposes within the City and County of San Francisco, may request the ~~Chief of the San Francisco Police~~ Department to provide such personnel to perform such services. *Any request for police services shall include a Security Plan. Any request for police services for an event that requires a California Department of Alcohol Beverage Control license, shall include a request for Department approval of an ABC Application.*

(c) If the Chief ~~of Police~~ approves the request *for police services*, ~~he~~ *the Chief* may detail such personnel for such services in the number he or she determines to be necessary to perform the services.

(1) If an Event Organizer requests police services and/or approval of an ABC Application at least 125 days before a proposed event, the Department must notify the Event Organizer

in writing of approval or denial of the request for police services and/or ABC Application and include a statement of reasons for any denial no later than 90 days before the event.

(2) If an Event Organizer requests police services and/or approval of an ABC application less than 125 days before a proposed event, the Department shall make reasonable efforts to notify the Event Organizer in writing of approval or denial of the request for police services and/or ABC Application and include a statement of reasons for any denial, as soon as practicable and if possible at least 20 days before the proposed event.

(3) If the request for police services is approved, the Chief shall include with the approval a written staffing plan that includes the number of personnel to be detailed in response to the request, the approximate personnel location assignments, the anticipated shifts for all detailed personnel, and the contact information of the person to be assigned to supervise those personnel.

(4) If the ~~*Police Department*~~ *Chief* determines that the requested police services will require dispatch services from the Department of Emergency Management, the Chief ~~*of Police or designee*~~ shall notify the Executive Director of the Department of Emergency Management, and the Executive Director may detail such personnel for such services in the number he~~r~~ or she determines to be necessary to perform the dispatch services.

(d) An Event Organizer whose request for police services and/or approval of its ABC Application has been denied may submit a request for reconsideration of either or both denials to the Chief in writing within 10 days of receipt of the denial. An Event Organizer whose request for police services has been approved may submit a request for reconsideration of the written staffing plan to the Chief in writing within 10 days of receipt of the plan.

(e) The Chief must inform the Event Organizer in writing of his or her final decision regarding any request for reconsideration made under subsection (d) within 10 days of receipt of the request for reconsideration.

(f) In enacting and implementing this Section 10B.1, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SEC. 10B.2. PAYMENT FOR SERVICES; *REPORT*.

(a) Except as provided in *s*ubsection (f), below, the ~~*person, corporation, firm or organization desiring such services*~~ *Event Organizer* shall pay to the ~~*Police*~~ Department such sums of money as may be necessary to pay for the additional services, including any dispatch services provided by the Department of Emergency Management. The payment shall include a component for ~~*Police*~~ Department services, computed based upon the rate paid or payable to those uniformed officers of the ~~*Police*~~ Department actually performing services at the time they are to perform such additional duties, and the cost of additional equipment and materials expended, together with an administrative overhead charge to cover the proportionate percentage of the ~~*Police*~~ Department's administrative costs that are attributable in the Department's reasonable discretion to the work performed pursuant to the request. The payment shall also include a component for any dispatch services provided by the Department of Emergency Management, which shall be computed by the Department of *Emergency* Management based on the rate paid or payable to the dispatch personnel actually performing services at the time they are to perform such additional duties.

No ~~*person, corporation, firm or organization*~~ *Event Organizer* that contracts with the ~~*Police*~~ Department for additional services that are: 1) of the type normally provided by Police Officers on patrol in the designated area; and 2) to be provided at least four days per week, each week, for a period in excess of one year, shall be required to pay an administrative overhead charge, unless such additional services are provided in conjunction with a City

permit or license, or are otherwise necessary to mitigate a negative impact created by the activity of the ~~*person, corporation, firm or organization*~~ *Event Organizer* contracting for the additional services.

(b) The ~~*Police*~~ Department shall provide an estimate of the payment for such services, including an estimate from the Department of Emergency Management for any dispatch services, to the ~~*person, corporation, firm or organization desiring the service*~~ *Event Organizer* within a reasonable time prior to the date service is to be rendered. *Upon request, the Department shall provide the estimate of the payment for such services to the Event Organizer within 30 days of receiving the request.* The ~~*person, corporation, firm or organization*~~ *Event Organizer* shall deposit the amount of estimated funds with the ~~*Police*~~ Department prior to the time that the ~~*Police*~~ Department renders the requested service. The ~~*Police*~~ Department may waive the deposit requirement if services are requested for 30 days or more, or if *the* Department reasonably believes that a waiver is justified.

(c) Within a reasonable time after the services are rendered, the Chief ~~*of Police*~~ shall determine the amount of payment due. The amount due shall be based on actual services performed by the ~~*Police*~~ Department and any dispatch services by the Department of Emergency Management. If the deposit pursuant to *S*~~s~~ubsection (b) ~~*hereof*~~ is insufficient to cover the cost of police and dispatch services, the Chief ~~*of Police*~~ shall notify the ~~*person, corporation, firm or organization that requested the services*~~ *Event Organizer* by United States mail to the address listed on the request for such services and that party shall have ten days to pay the balance. If the amount deposited exceeds the actual costs, the Chief ~~*of Police*~~ shall authorize a refund of the excess to the applicant at the address shown on the application.

(d) The ~~*Police*~~ Department shall deposit with the Treasurer such sums as received in a special account designated public facilities overtime account; provided, however, that the amount *for the* ~~*Police*~~ Department representing administrative overhead shall be deposited to

the general fund unappropriated balance of funds, and the amount for the Department of Emergency Management's dispatch services shall be transferred to the Department of Emergency Management.

(e) Within 60 days of the final date on which the services are rendered, the Department shall provide to the Event Organizer and the Entertainment Commission a written report setting forth the number of personnel detailed, their approximate locations and shifts during the event, the number and location of arrests, detentions, or citations conducted or issued by the detailed personnel at the event, and the difference if any between the estimate of the payment for the services provided under Section 10B.2(b) and the amount of payment due under Section 10B.2(c). The Entertainment Commission shall provide an annual report to the Board of Supervisors comprised of the data collected that calendar year.

(~~e~~*f*) The ~~*person, corporation, firm or organization*~~ *Event Organizer* shall indemnify, hold harmless and defend said City and County of San Francisco, the ~~*San Francisco Police*~~ Department, the Department of Emergency Management, and all City and County officers, agents and employees, from and against all liability, judgments or claims for personal or bodily injuries, false arrest and false imprisonment caused by or purportedly caused by such personnel in the rendering of such services.

(~~f~~*g*) The City shall not waive payment for additional police or dispatch services pursuant to this Chapter *10B* except by ordinance of the Board of Supervisors.

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JANA CLARK
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151228 **Date Passed:** March 01, 2016

Ordinance amending the Administrative Code to require event organizers seeking additional Police Department personnel ("10B officers") and equipment for law enforcement purposes to include a request for approval of alcohol license application, if applicable, and a security plan with the request for those services; require the Department to respond to the request for services, and provide a staffing plan if the response is favorable, at least 90 days before the event if the request was received at least 125 days before the event; require the Chief of Police to reconsider denials and staffing plans if so requested; and require the Department after the event to provide to the event organizer and the Entertainment Commission a written report reviewing the use of 10B officers at the event and the costs of the event.

February 11, 2016 Public Safety and Neighborhood Services Committee - RECOMMENDED

February 23, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 01, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151228

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/1/2016 by the Board of Supervisors of the City and County of San Francisco.

Peggy Nevin for
Angela Calvillo
Clerk of the Board

Edwin M. Lee
Mayor

3/11/2016
Date Approved

SUBSTITUTED

FILE NO. 151004 1/26/2016 ORDINANCE NO. 30-16

[Planning Code - Projecting Signs in the Fillmore Street Neighborhood Commercial Transit District]

Ordinance amending the Planning Code to allow projecting business signs in the Fillmore Street Neighborhood Commercial Transit District of up to 125 square feet in size, and up to 60 feet in height, with maximum height dependent on the features of the building to which the sign is attached, provided that only one sign per building is permitted; the sign is for the primary occupant of the building; the sign employs a remote transformer and is as narrow as is structurally feasible; any illumination is indirect and is used only during business hours; the sign does not obscure architectural features of the building; the sign does not damage the building to which it is attached; and the sign's lettering is arranged vertically; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings under Planning Code, Section 302, that this amendment will serve the public necessity, convenience, and welfare.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

GOVERNMENT
DOCUMENTS DEPT

MAY - 3 2016

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Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 151004 and is incorporated herein by reference. The Board affirms this determination.

(b) On December 17, 2015, the Planning Commission, in Resolution No. 19536, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 151004, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code Amendment will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 19536 and the Board incorporates such reasons herein by reference.

Section 2. The Planning Code is hereby amended by revising Section 607.1, to read as follows:

607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS.

* * * *

(f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in all Neighborhood Commercial and Residential-Commercial Districts subject to the limits set forth below.

* * * *

(2) **RC, NC-2, NCT-2, NC-S, Broadway, Castro Street, Inner Clement Street, Outer Clement Street, Divisadero Street, Excelsior Outer Mission S*t*reet, Fillmore Street, Upper Fillmore Street, Folsom Street, Glen Park, Inner Sunset, Irving Street, Haight Street, Hayes-Gough, Judah Street, Upper Market Street, Noriega Street, North Beach, Ocean Avenue, Pacific Avenue, Polk Street, Regional Commercial District, Sacramento Street, SoMa, Taraval Street, Union Street, Valencia Street, 24th Street - Mission, 24th Street - Noe Valley, and West Portal Avenue Neighborhood Commercial Districts.**

* * * *

(C) **Projecting Signs.**

(i) The number of projecting signs shall not exceed one per business. ~~*The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower.*~~

(ii) No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less.

(iii) Except as provided for in subsection (v) below, S*s*uch signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(iv) Except as provided for in subsection (v) below, the area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lowest.

(v) Within the Fillmore Street Neighborhood Commercial Transit District, one projecting business sign per building may exceed the size and height limits specified in subsection (iv) above, provided all of the following criteria are met:

a. The area of the sign, as defined in Section 602.1(a), does not exceed 125 square feet.

b. The height of the sign does not exceed the lowest of the following:

1. 60 feet;

2. the height of the wall to which it is attached;

3. the height of the lowest residential windowsill on the wall to which it is attached; or

4. the lowest portion of any architectural feature located along the roofline, such as a cornice.

c. The sign is for the primary occupant of the building.

d. The sign employs a remote transformer.

e. The sign is designed with a minimum profile to be as narrow as is structurally feasible.

f. Any illumination of the sign is indirect, such as by the use of halo-lit lettering, and such illumination is used only during business hours.

g. The lettering or other inscription is arranged in a vertical manner.

h. The sign does not alter, cover, or obscure any architectural features of the subject building, such as cornice lines or belt courses.

i. The sign is attached in a reversible manner, such that no damage or destruction to any exterior features or cladding materials shall occur as part of the sign's installation or removal.

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
VICTORIA WONG
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151004 **Date Passed:** March 08, 2016

Ordinance amending the Planning Code to allow projecting business signs in the Fillmore Street Neighborhood Commerclal Translt District of up to 125 square feet in size, and up to 60 feet in height, with maximum height dependent on the features of the building to which the sign is attached, provided that only one sign per building is permitted; the sign is for the primary occupant of the building; the sign employs a remote transformer and is as narrow as is structurally feasible; any illumination is indirect and is used only during business hours; the sign does not obscure architectural features of the building; the sign does not damage the building to which it is attached; and the sign's lettering is arranged vertically; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings under Planning Code, Sectlon 302, that this amendment will serve the public necessity, convenience, and welfare.

February 22, 2016 Land Use and Transportation Committee - RECOMMENDED

March 01, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 08, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151004

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/8/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/11/2016
Date Approved

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FILE NO. 151179 ORDINANCE NO. 31-16

[Health Code - Banning the Sale of Tobacco Products to Persons Aged 18, 19, or 20]

Ordinance amending the Health Code to prohibit tobacco retailers from selling tobacco products, including smokeless tobacco and electronic cigarettes, to persons aged 18, 19, or 20.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Health Code is hereby amended by adding Section 19H.14-1, to read as follows:

SEC. 19H.14-1. CONDUCT VIOLATING HEALTH CODE ARTICLE 19P (PROHIBITING THE SALE OF TOBACCO PRODUCTS TO PERSONS AGED 18, 19, OR 20).

(a) Upon a decision by the Director that the Permittee or the Permittee's agent or employee has engaged in any conduct that violates Health Code Section 19P.3 (Sale or Distribution of Tobacco Products to Persons Aged 18, 19, or 20 Prohibited), the Director may suspend a Tobacco Sales permit as set forth in Section 19H.19.

(b) Upon a decision by the Director that the Permittee or the Permittee's agent or employee has engaged in any conduct that violates Health Code Section 19P.4 (Signage), the Director may suspend a Tobacco Sales permit as set forth in Section 19H.19, impose administrative penalties as set forth in Section 19H.20, or both suspend the permit and impose administrative penalties.

(c) The Director shall commence enforcement of this Section 19H.14-1 by serving either a notice of correction under Section 19H.21 or a notice of initial determination under Section 19H.22 of this Article 19H; provided, however, that for a first violation during the period July 1, 2016 through June 30, 2017, the Director may serve only a notice of correction and may not serve a notice of initial determination or impose a permit suspension or administrative penalty. For a second violation occurring within the first twelve months, or a first violation occurring after the first twelve months, the Director may serve either a notice of correction under Section 19H.21 or a notice of initial determination under Section 19H.22, and may impose a permit suspension or administrative penalty in accordance with subsections (a) and (b), above.

Section 2. The Health Code is hereby amended by adding Article 19P, consisting of Sections 19P.1 through 19P.7, to read as follows:

ARTICLE 19P: PROHIBITING THE SALE OF TOBACCO PRODUCTS TO PERSONS AGED 18, 19, OR 20

SEC. 19P.1. FINDINGS.

Tobacco use remains the leading cause of preventable death in the United States, killing more than 480,000 people each year. It is known to cause cancer, heart disease, and respiratory diseases, among other health disorders.

Each day, 700 children under the age of 18 become regular, daily smokers; and almost one-third will eventually die from smoking. If current trends continue, 5.6 million of today's youth will die prematurely from a smoking-related illness.

According to a 2014 Report by the United States Surgeon General, cigarette smoking today is even more dangerous than previously thought. Cigarette smoking has been linked to disease of nearly all organs of the body.

The adverse health effects of tobacco use are not limited to smoking. The National Cancer Institute and the International Agency for Research on Cancer report that use of smokeless tobacco causes oral, pancreatic, and esophageal cancer; and may also cause heart disease, gum disease, and oral lesions other than cancer, such as leukoplakia (precancerous white patches in the mouth).

Further, electronic cigarettes (also known as e-cigarettes) also present significant health risks. E-cigarettes contain nicotine, a highly addictive neurotoxin. Exposure to nicotine during adolescence can harm brain development and predispose youth to future tobacco use. In addition, electronic cigarette aerosol has been found to contain at least ten chemicals that are on California's Proposition 65 list of chemicals known to cause cancer, birth defects, or other reproductive harm.

In addition to the adverse health impacts of tobacco use, the treatment of tobacco-related diseases adds tremendous costs, in the billions of dollars, to this country's health care system. A 2014 report by the University of California, San Francisco estimated that in 2009, the cost of smoking in San Francisco amounted to over $380 million, including direct health care costs and indirect costs from lost productivity due to illness and premature death.

State law prohibits the sale of tobacco products to persons under the age of 18. In spite of the ban on sales to minors, and numerous other tobacco control policies implemented at the federal, state, and local levels, 63% of smokers in California start smoking by age 18. National data show that 95% of adult smokers begin smoking before they turn 21.

In San Francisco, almost 2.7% of middle school and 9.1% of high school students smoke. The highest rate of smoking is among San Francisco's young adults (ages 18-24), 15.8% of whom smoke.

State law also bans the sale of electronic cigarettes to minors. In spite of this ban, preliminary data of more than 430,000 middle and high school students from the California Healthy Kids Survey

found that in 2013, 6.3% of 7th graders, 12.4% of 9th graders, and 14.3% of 11th graders had used e-cigarettes in the past 30 days. Among young adults (18 to 29 years old), e-cigarette use tripled in only one year, from 2.3% to 7.6%.

A 2005 study based on data from the California Tobacco Survey, a large, population-based telephone survey, found that 82% of adolescents who had ever smoked obtained their cigarettes from others, mostly friends. A substantial percentage (40.9%) of the people giving the cigarettes were 18 years or older, with most of them (31.3%) being 18, 19, or 20. Adolescents who were 16 or 17 were especially likely to get their cigarettes from persons aged 18 through 20.

In 2015, the Institute of Medicine, a division of the National Academies of Sciences, Engineering, and Medicine, concluded that raising the minimum legal sales age for tobacco products nationwide would reduce tobacco initiation, particularly among adolescents aged 15 through 17, improve health across the lifespan, and save lives; and that raising the minimum legal sales age for tobacco products nationwide to 21 would, over time, lead to a 12% decrease in the overall smoking rate.

The Institute of Medicine also has predicted that raising the minimum legal sales age for tobacco products nationwide to 21 would result in 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost for people born in the United States between 2000 and 2019, and would result in near-immediate reductions in preterm births, low birth weight babies, and sudden infant death syndrome.

Raising the minimum age to purchase tobacco products is likely to have a similar effect as has raising the legal drinking age to 21, which has led to reduced alcohol use and dependence among persons under 21. This Article 19P will likely result in less smoking and tobacco use among San Franciscans under 18 and San Franciscans under 21, sparing people within both age groups from the ravages that develop over time from harmful and highly addictive tobacco products.

SEC. 19P.2. DEFINITIONS.

For purposes of this Article 19P, the terms "Director," "Establishment," "Tobacco Product," and "Person" shall have the meanings set forth in Health Code Section 19H.2.

SEC 19P.3. SALE OR DISTRIBUTION OF TOBACCO PRODUCTS TO PERSONS AGED 18, 19, OR 20 PROHIBITED.

(a) The sale or distribution by an Establishment of any Tobacco Product to a Person aged 18, 19, or 20, is prohibited.

(b) The Director, or his or her designee, may enforce this Section 19P.3 pursuant to Articles 19 et seq. of the Health Code, including but not limited to Article 19H.

SEC. 19P.4. SIGNAGE.

(a) Every Person to whom a permit shall have been granted pursuant to Health Code Articles 19H or 19N shall post a sign or other notice in the Establishment, stating that in San Francisco it is unlawful to sell Tobacco Products, including smokeless tobacco and electronic cigarettes, to persons who are 18, 19, or 20 years of age. The sign or other notice shall be placed in a conspicuous location in the Establishment, and the letters and numbers on the sign or notice shall be of sufficient size that the message is readily visible to anyone within the Establishment who is considering buying a Tobacco Product. Pursuant to Section 19P.5, the Director may adopt rules, regulations, or guidelines regarding compliance with this Section 19P.4.

(b) The Director, or his or her designee, may enforce this Section 19P.4 pursuant to Articles 19 et seq. of the Health Code, including but not limited to Article 19H.

SEC. 19P.5. ADMINISTRATIVE REGULATIONS.

The Director may adopt rules, regulations, or guidelines for the implementation of this Article 19P.

SEC 19P.6. NO CONFLICT WITH FEDERAL OR STATE LAW.

Nothing in this Article 19.P shall be interpreted or applied so as to create any requirement, power or duty that is preempted by federal or state law.

SEC. 19P.7. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or word of this Article 19P, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the Article. The Board of Supervisors hereby declares that it would have passed this Article, and each section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid or unconstitutional.

Section 3. Effective and Operative Dates.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

(b) This ordinance shall become operative on July 1, 2016.

Section 4. Definition of "Tobacco Product." It is and has been the intent of the Board of Supervisors that the definition of "Tobacco Product" in Health Code Section 19H.2, as stated in Ordinance No. 59-15, be operative as of January 1, 2016, and that, as of that date, that definition supersede any earlier definition of "Tobacco Product" or "Tobacco Products" in Section 19H.2. Accordingly, as of January 1, 2016, "Tobacco Product" is and shall be defined in Health Code Section 19H.2, in accordance with Ordinance No. 59-15, as follows:

"Tobacco Product" means (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, or sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, bidis or snuff; (2) any device or component, part, or accessory that delivers nicotine alone or combined with other substances to the person using the device including but not limited to electronic cigarettes, cigars, or pipes, whether or not the device or component is sold separately. "Tobacco Product" does not include any product that has been approved by the United States Food and Drug Administration for use as a tobacco cessation product where such product is marketed and sold solely for such an approved purpose.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Anne Pearson
Anne Pearson
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151179 **Date Passed:** March 08, 2016

Ordinance amending the Health Code to prohibit tobacco retailers from selling tobacco products, including smokeless tobacco and electronic cigarettes, to persons aged 18, 19, or 20.

February 22, 2016 Land Use and Transportation Committee - RECOMMENDED

March 01, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 08, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151179

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/8/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3-11-16
Date Approved

GOVERNMENT
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FILE NO. 160026 MAY - 3 2016 ORDINANCE NO. 32-16

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[Planning Code, Zoning Map - Rezoning Noe Valley Town Square]

Ordinance amending the Planning Code by revising the Zoning Map to rezone Noe Valley Town Square, 3861-24th Street, Assessor's Block No. 6509, Lot No. 040, from its current designation as 24th Street - Noe Valley Neighborhood Commercial District and 40-X to Public (P) and Open Space (OS); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 160026 and is incorporated herein by reference. The Board affirms this determination.

(b) On February 11, 2016, the Planning Commission, in Resolution No. 19564, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 160026, and is incorporated herein by reference.

(c) Under Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 19564 recommending the approval of this Zoning Map Amendment, and incorporates such reasons by this reference thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 160026.

Section 2. The Planning Code is hereby amended by revising Sheet ZN07 of the Zoning Map, as follows:

Block	Lot	To Be Superseded	Hereby Approved
6509	040	24th Street-Noe Valley Neighborhood Commercial District	P (Public)

Section 3. The Planning Code is hereby amended by revising Sheet HT07 of the Zoning Map, as follows:

Block	Lot	To Be Superseded	Hereby Approved
6509	040	40-X	OS (Open Space)

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160026 **Date Passed:** March 08, 2016

Ordinance amending the Planning Code, Zoning Map, to rezone Noe Valley Town Square, 3861-24th Street, Assessor's Block No. 6509, Lot No. 040, from its current designation as 24th Street - Noe Valley Neighborhood Commercial District and 40-X to Public (P) and Open Space (OS); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

February 22, 2016 Land Use and Transportation Committee - RECOMMENDED

March 01, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 08, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160026

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/8/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/11/2016
Date Approved

FILE NO. 160115 AMENDED IN BOARD 3/1/2016 ORDINANCE NO. 33-16

[Planning, Building Codes - Conditional Use Required to Remove Any Residential Unit, including an ~~Illegal~~ Unauthorized Unit]

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether authorized ~~legal~~ or unauthorized ~~illegal~~) and to exempt from the Conditional Use application requirement unauthorized ~~illegal~~ units where there is no legal path for legalization, ~~and~~ residential units that have received prior Planning approval, and single-family homes that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation ~~mandate~~ order the filing of an application to legalize ~~legalization of~~ an unauthorized ~~illegal~~ unit unless infeasible under the Building Code, ~~or~~ the Planning Commission approves its removal, or a serious and imminent hazard exists on the property ~~and requiring re-issuance of unabated notices of violation to include the new requirement~~; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code Section 302, and the eight priority policies of Planning Code Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

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(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ~~150494~~ and is incorporated herein by reference. The Board affirms this determination.

(b) On December 10, 2015, the Planning Commission, in Resolution No. 19532, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and the eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. ~~150494~~ 160115, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 19532 and the Board incorporates such reasons herein by reference.

Section 2. The Planning Code is hereby amended by revising Section 317 and deleting Section 317.1, to read as follows:

SEC. 317. LOSS OF ~~*DWELLING*~~ *RESIDENTIAL AND UNAUTHORIZED* UNITS THROUGH DEMOLITION, MERGER AND CONVERSION.

* * * *

(b) **Definitions.** For the purposes of this Section 317, the terms below shall be as defined below ~~as follows:~~ Capitalized terms not defined below are defined in Section 102 of this Code.

(1) "Residential Conversion" shall mean the removal of cooking facilities, change of occupancy (as defined and regulated by the Building Code), or change of use (as defined and regulated by the Planning Code), of any Residential Unit *or Unauthorized Unit* to a ~~n~~*N*on-~~r~~*R*esidential or Student Housing use.

* * * *

(7) "Residential Merger" shall mean the combining of two or more ~~*legal*~~ Residential *or Unauthorized* Units, resulting in a decrease in the number of Residential Units *and Unauthorized Units* within a building, or the enlargement of one or more existing units while substantially reducing the size of others by more than 25% of their original floor area, even if the number of units is not reduced. The Planning Commission may reduce the numerical element of this criterion by up to 20% of its value should it deem that adjustment is necessary to implement the intent of this Section 317, to conserve existing housing and preserve affordable housing.

* * * *

(10) "Removal" shall mean, with reference to a Residential *or Unauthorized* Unit, its Conversion, Demolition, or Merger.

* * * *

(12) "Residential Unit" shall mean a legal conforming or *legal* nonconforming Dwelling Unit, ~~*or*~~ a legal nonconforming Live/Work Unit or Group Housing~~, which are defined in Section 102 of this Code~~.

(13) *"Unauthorized Unit" shall mean one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property. "Independent" shall mean that (i) the space has independent access that does not require entering a Residential Unit on the property and (ii) there is no open, visual connection to a Residential Unit on the property.*

(14) "Vertical Envelope Elements" shall mean all exterior walls that provide weather and thermal barriers between the interior and exterior of the building, or that provide structural support to other elements of the building envelope.

* * * *

(c) **Applicability*; Exemptions*.**

(1) ~~*An*~~ *Any* application for a permit that would result in the ~~*loss*~~ *Removal* of one or more Residential Units *or Unauthorized Units* is required to obtain Conditional Use authorization~~; provided, however, that *in the RTO, RTO-M, NCT, and Upper Market NCD Zoning Districts, as well as the loss of any residential unit above the ground floor* in the C-3 Zoning District, only the Removal of a Residential Unit or Unauthorized Unit above the ground floor requires a Conditional Use authorization~~. The application for a replacement building or alteration permit shall also be subject to Conditional Use requirements. ~~*When considering whether to grant Conditional Use authorization for the loss of dwelling unit(s) in the C-3 districts, in lieu of the criteria set forth in Planning Code Section 303, consideration shall be given to the adverse impact on the public health, safety, and general welfare of the loss of housing stock in the district and to any unreasonable hardship to the applicant if the permit is denied. Any application for a permit that would result in the loss or Removal of three or more Residential Units, notwithstanding any other sections of this Code, shall require a Conditional Use authorization for the Removal and replacement of the units. Approval of any other application that would result in the loss or Removal of up to two Residential Units is prohibited unless the Planning Commission approves such permit application and the replacement structure permit application at a Mandatory Discretionary Review hearing, with certain exceptions specified below.*~~

(2) The Conditional Use requirement of Subsection (c)(1) shall apply to (A) any building or site permit issued for Removal of an Unauthorized Unit on or after March 1,

2016, and (B) any permit issued for Removal of an Unauthorized Unit prior to March 1, 2016 that has been suspended by the City or in which the applicant's rights have not vested.

(~~2~~3) The Removal of a Residential ~~or Unauthorized~~ *Unit that has received approval from the Planning Department through administrative approval or the Planning Commission through a Discretionary Review or Conditional Use authorization prior to the effective date of the Conditional Use requirement of Subsection (c)(1) is not required to apply for an additional approval under Subsection (c)(1).*

(~~3~~4) The Removal of an Unauthorized Unit does not require a Conditional Use authorization pursuant to Subsection (c)(1) if the Department of Building Inspection *has determined that there is no* ~~legal~~ *path for legalization* under Section 106A.3.1.3 of the Building Code.

(5) The Demolition of a Single-Family Residential Building that meets the requirements of Subsection (d)(3) below may be approved by the Department without requiring a Conditional Use authorization.

(d) **Demolition.**

(1) No permit to Demolish a Residential Building in any zoning district shall be issued until a building permit for the replacement structure is finally approved, unless the building is determined to pose a serious and imminent hazard as defined in the Building Code. A building permit is finally approved if the Board of Appeals has taken final action for approval on an appeal of the issuance or denial of the permit or if the permit has been issued and the time for filing an appeal with the Board of Appeals has lapsed with no appeal filed.

(2) ~~If~~ Conditional Use authorization is required for approval of the permit for Residential Demolition ~~*by other sections of this Code*~~, *and* the Commission shall consider the replacement structure as part of its decision on the Conditional Use application. If Conditional Use authorization is required for the replacement structure by other sections of this Code, the Commission shall consider the demolition as part of its decision on the Conditional Use

application. ~~*In either case, Mandatory Discretionary Review is not required, although the Commission shall apply appropriate criteria adopted under this Section 317 in addition to the criteria in Section 303 of the Planning Code in its consideration of Conditional Use authorization. If neither permit application is subject to Conditional Use authorization, then separate Mandatory Discretion Review cases shall be heard to consider the permit applications for the demolition and the replacement structure.*~~

(3) ~~*For those applications for a Residential Demolition in districts that require Mandatory Discretionary Review, administrative review criteria shall ensure that only a*~~An application to demolish a Single-Family Residential Building on a site in a RH-1 or RH-1(D) District that is demonstrably not affordable or financially accessible housing~~*, or Residential Buildings of two units or fewer that are found to be unsound housing,*~~ is exempt from the Conditional Use authorization requirement of Subsection (c)(1). ~~*Mandatory Discretionary Review hearings.*~~ Specific numerical criteria for such analyses shall be adopted by the Planning Commission in the Code Implementation Document, in accordance with this Section 317, and shall be adjusted periodically by the Zoning Administrator based on established economic real estate and construction indicators.

(A) The Planning Commission shall determine a level of affordability or financial accessibility, such that Single-Family Residential Buildings on sites in RH-1 and RH-1(D) Districts that are demonstrably not affordable or financially accessible, that is, housing that has a value greater than at least 80% of the combined land and structure values of single-family homes in San Francisco as determined by a credible appraisal, made within six months of the application to demolish, are not subject to a Conditional Use hearing. The demolition and replacement building applications shall undergo notification as required by other sections of this Code. The Planning Commission, in the Code Implementation Document, may increase the numerical criterion in this Subsection by up to 10% of its value

should it deem that adjustment is necessary to implement the intent of this Section 317, to conserve existing housing and preserve affordable housing.

(B) The Planning Commission, in the Code Implementation Document, shall adopt criteria and procedures for determining the soundness of a structure proposed for demolition, where "soundness" is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The "soundness factor" for a structure shall be the ratio of a construction upgrade cost (i.e., an estimate of the cost to repair specific habitability deficiencies) to the replacement cost (i.e., an estimate of the current cost of building a structure the same size as the existing building proposed for demolition), expressed as a percent. A building is unsound if its soundness factor exceeds 50%. A Residential Building that is unsound may be approved for demolition.

~~*(C) The Planning Commission shall consider the following additional criteria in the review of applications for Residential Demolition:*~~

~~*(i) whether the property is free of a history of serious, continuing Code violations;*~~

~~*(ii) whether the housing has been maintained in a decent, safe, and sanitary condition;*~~

~~*(iii) whether the property is an "historical resource" under CEQA;*~~

~~*(iv) whether the removal of the resource will have a substantial adverse impact under CEQA;*~~

~~*(v) whether the project converts rental housing to other forms of tenure or occupancy;*~~

~~*(vi) whether the project removes rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing;*~~

~~*(vii) whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;*~~

~~*(viii) whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;*~~

~~*(ix) whether the project protects the relative affordability of existing housing;*~~

~~*(x) whether the project increases the number of permanently affordable units as governed by Section 415;*~~

~~*(xi) whether the project locates in-fill housing on appropriate sites in established neighborhoods;*~~

~~*(xii) whether the project increases the number of family sized units on-site;*~~

~~*(xiii) whether the project creates new supportive housing;*~~

~~*(xiv) whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;*~~

~~*(xv) whether the project increases the number of on-site dwelling units;*~~

~~*(xvi) whether the project increases the number of on-site bedrooms.*~~

(4) ~~(3)~~ Nothing in this Section is intended to permit Residential Demolition in those areas of the City where other sections of this Code prohibit such demolition or replacement structure.

(5) ~~(4)~~ Nothing in this Section is intended to exempt buildings or sites where demolition is proposed from undergoing review with respect to Articles 10 and 11 of the *Planning* Code, where the requirements of those articles apply. Notwithstanding the definition of "Residential Demolition" in this section and as further described in the Code

Implementation Document with regard to Residential Demolition, the criteria of Section 1005 shall apply to projects subject to review under the requirements of Article 10 with regard to the structure itself.

(e) ***Conversion to Student Housing.*** *The conversion of Residential Units to Student Housing is prohibited. For the purposes of this subsection, Residential Units that have been defined as such by the time a First Certificate of Occupancy has been issued by the Department of Building Inspection for new construction shall not be converted to Student Housing.*

(f) ***Residential Merger.*** *The Merger of Residential Units, not otherwise subject to Conditional Use authorization by this Code, shall be prohibited.*

(g) ***Conditional Use Criteria.***

(1) ***C-3 Districts.*** *When considering whether to grant Conditional Use authorization for the loss or Removal of Residential or Unauthorized Unit(s) in the C-3 districts, in lieu of the criteria set forth in Planning Code Section 303, consideration shall be given to the adverse impact on the public health, safety, and general welfare of the loss of housing stock in the district and to any unreasonable hardship to the applicant if the permit is denied.*

* * * *

~~(e)~~ *(2)* **Residential Merger.**

~~*(1) The Merger of Residential Units, not otherwise subject to Conditional Use authorization by this Code., shall be prohibited, unless the Planning Commission approves the building permit application at a Mandatory Discretionary Review hearing, applying the criteria in subsection (2) below, or the project qualifies for administrative approval and the Planning Department approves the project administratively in accordance with subsection (3) below*~~.

~~*(2)*~~ The Planning Commission shall consider the following criteria in the review of applications to merge Residential Units *or Unauthorized Units*:

(A) whether removal of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed have been owner occupied;

(B) whether removal of the unit(s) and the merger with another is intended for owner occupancy;

(C) whether ~~the~~ removal of the unit(s) will remove an affordable housing unit as defined in Section *401* ~~415~~ of this Code or housing subject to the *Residential* Rent Stabilization and Arbitration Ordinance;

~~(D) whether removal of the unit(s) will bring the building closer into conformance with prescribed zoning;~~

~~(E)~~ *(D)* if removal of the unit(s) removes an affordable housing unit as defined in Section 401 of this Code or units subject to the *Residential* Rent Stabilization and Arbitration Ordinance, whether replacement housing will be provided which is equal or greater in size, number of bedrooms, affordability, and suitability to households with children to the units being removed;

(E) how recently the unit being removed was occupied by a tenant or tenants;

(F) whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units;

(G) whether removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations*;*

(H) the appraised value of the least expensive Residential Unit proposed for merger only when the merger does not involve an Unauthorized Unit.

~~(3) Administrative review criteria shall ensure that only those Residential Units proposed for Merger that are demonstrably not affordable or financially accessible housing are exempt from Mandatory Discretionary Review hearings. Applications for which the least expensive unit~~

~~*proposed for merger has a value greater than at least 80% of the combined land and structure values of single-family homes in San Francisco, as determined by a credible appraisal, made within six months of the application to merge, are not subject to a Mandatory Discretionary Review hearing. The Planning Commission, in the Code Implementation Document, may increase the numerical criterion in this subsection by up to 10% of its value should it deem that adjustment is necessary to implement the intent of this Section 317, to conserve existing housing and preserve affordable housing.*~~

~~*(4)*~~ The Planning Commission shall not approve an application for *Residential* ~~*m*~~*M*erger if any tenant has been evicted pursuant to Administrative Code Sections 37.9(a)(9) through 37.9(a)(14) where the tenant was served with a notice of eviction after December 10, 2013 if the notice was served within ~~*ten (*~~10~~)~~ years prior to filing the application for merger. Additionally, the Planning Commission shall not approve an application for *Residential* ~~*m*~~*M*erger if any tenant has been evicted pursuant to Administrative Code Section 37.9(a)(8) where the tenant was served with a notice of eviction after December 10, 2013 if the notice was served within five (5) years prior to filing the application for merger. This Subsection ~~*(e)(4)*~~ *(g)(2)(H)* shall not apply if the tenant was evicted under Section 37.9(a)(11) or 37.9(a)(14) and the applicant(s) either (A) have certified that the original tenant reoccupied the unit after the temporary eviction or (B) have submitted to the Planning Commission a declaration from the property owner or the tenant certifying that the property owner or the Rent Board notified the tenant of the tenant's right to reoccupy the unit after the temporary eviction and that the tenant chose not to reoccupy it.

~~*(f)*~~ *(3)* **Residential Conversion.**

~~*(1) Residential Conversion not otherwise prohibited or subject to Conditional Use authorization by this Code, shall be prohibited, unless the Planning Commission approves the building permit application at a Mandatory Discretionary Review hearing, or is exempted from such approval as provided in subsections (f)(3) or (4) below. The conversion of Residential Units to Student Housing*~~

~~*is prohibited. For the purposes of this subsection, Residential Units that have been defined as such by the time a First Certificate of Occupancy has been issued by the Department of Building Inspection for new construction shall not be converted to Student Housing.*~~

(2) The Planning Commission shall consider the following criteria in the review of applications for Residential *Conversion* ~~*Conversation*~~;

(A) whether conversion of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed were owner occupied;

(B) whether Residential *Conversion* ~~*Conversation*~~ would provide desirable new ~~n~~*N*on-~~r~~*R*esidential ~~u~~*U*se(s) appropriate for the neighborhood and adjoining district(s);

(C) in districts where Residential Uses are not permitted, whether Residential Conversion will bring the building closer into conformance with the ~~u~~*U*ses permitted in the zoning district;

(D) whether conversion of the unit(s) will be detrimental to the City's housing stock;

(E) whether conversion of the unit(s) is necessary to eliminate design, functional, or habitability deficiencies that cannot otherwise be corrected;

(F) whether the Residential Conversion will remove Affordable Housing, or units subject to the *Residential* Rent Stabilization and Arbitration Ordinance.

* * * *

~~(4)~~ (5) ***Residential Demolition.*** *The Planning Commission shall consider the following additional criteria in the review of applications for Residential Demolition:*

(A) whether the property is free of a history of serious, continuing Code violations;

(B) whether the housing has been maintained in a decent, safe, and sanitary condition;

(C) whether the property is an "historical resource" under CEQA;

(D) whether the removal of the resource will have a substantial adverse impact under CEQA;

(E) whether the project converts rental housing to other forms of tenure or occupancy;

(F) whether the project removes rental units subject to the Residential Rent Stabilization and Arbitration Ordinance or affordable housing;

(G) whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;

(H) whether the project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

(I) whether the project protects the relative affordability of existing housing;

(J) whether the project increases the number of permanently affordable units as governed by Section 415;

(K) whether the project locates in-fill housing on appropriate sites in established neighborhoods;

(L) whether the project increases the number of family-sized units on-site;

(M) whether the project creates new supportive housing;

(N) whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

(O) whether the project increases the number of on-site Dwelling Units;

(P) whether the project increases the number of on-site bedrooms.

(O) whether or not the replacement project would maximize density on the subject lot; and

(R) if replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all of the existing units with new Dwelling Units of a similar size and with the same number of bedrooms.

~~(5)~~ (6) ***Removal of Unauthorized Units.*** *In addition to the criteria set forth in* ~~s~~*Subsections (g)(1) through (g)(4) above, the Planning Commission shall consider the criteria below in the review of applications for removal of Unauthorized Units:*

(A) whether the Unauthorized Unit or Units are eligible for legalization under Section 207.3 of this Code;

(B) whether the costs to legalize the Unauthorized Unit or Units under the Planning, Building, and other applicable Codes is reasonable based on how such cost compares to the average cost of legalization per unit derived from the cost of projects on the Planning Department's Master List of Additional Dwelling Units Approved required by Section 207.3(k) of this Code;

(C) whether it is financially feasible to legalize the Unauthorized Unit or Units. Such determination will be based on the costs to legalize the Unauthorized Unit(s) under the Planning, Building, and other applicable Codes in comparison to the added value that legalizing said Units would provide to the subject property. The gain in the value of the subject property shall be based on the current value of the property with the Unauthorized Unit(s) compared to the value of the property if the Unauthorized Unit(s) is/are legalized. The calculation of the gain in value shall be conducted and approved by a California licensed property appraiser. Legalization would be deemed financially feasible if gain in the value of the subject property is equal to or greater than the cost to legalize the Unauthorized Unit.

(D) If no City funds are available to assist the property owner with the cost of legalization, whether the cost would constitute a financial hardship.

~~(6)~~ *(7) **Denial of Application to Remove an Unauthorized Unit; Requirement to Legalize the Unit.** If the Planning Commission denies an application to Remove an Unauthorized Unit, the property owner shall file an application for a building permit to legalize the Unit. Failure to do so within a reasonable period of time, as determined by the Zoning Administrator, shall be deemed to be a violation of the Planning Code.*

*(h) **Notice of Conditional Use Hearing.** At least twenty days prior to any hearing to consider a Conditional Use authorization under Subsection (g)(2), (g)(3), g(4), or (g)(5), the Zoning Administrator shall cause a written notice containing the following information to be mailed to all Residential Units and if known any Unauthorized Units in the building, in addition to any other notice required under this Code:*

(1) Notice of the time, place, and purpose of the hearing; and

(2) An explanation of the process for demolishing, merging, or converting Residential Units or Unauthorized Units, including a description of subsequent permits that would be required from the Planning Department and Department of Building Inspection and how they could be appealed.

~~(g)~~ *(i)* **Additional Exemptions.** This Section 317 shall not apply to property:

(1) Owned by the United States or any of its agencies;

(2) Owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental purpose;

(3) Under the jurisdiction of the Port of San Francisco or the Successor Agency to the Redevelopment Agency of the City and County ~~of~~ where the application of this Section is prohibited by State or local law; or

(4) Where demolition of the building or Removal of a Residential Unit *or Unauthorized Unit* is necessary to comply with a court order or City order that directs the owner to demolish the building or remove the unit, due to conditions that present an imminent threat to life safety.

~~**SEC. 317.1. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS IN C-3 DISTRICTS THROUGH DEMOLITION, MERGER, AND CONVERSION.**~~

~~(a) **Definitions.** For the purposes of this Section 317.1, the terms below shall be as defined below. Capitalized terms not defined below are defined in Section 102 of this Code.~~

~~"Removal" shall mean, with reference to a Residential or Unauthorized Unit, its Conversion, Demolition, or Merger.~~

~~"Residential Conversion" shall mean the removal of cooking facilities, change of occupancy (as defined and regulated by the Building Code), or change of use (as defined and regulated by the Planning Code), of any Residential Unit or Unauthorized Unit to a Non-Residential or Student Housing use.~~

~~"Residential Demolition" shall have the meaning set forth in Section 317(b)(2) of this Code.~~

~~"Residential Merger" shall mean the combining of two or more Residential or Unauthorized Units, resulting in a decrease in the number of Residential Units and Unauthorized Units within a building, or the enlargement of one or more existing units while reducing the size of other units by more than 25% of their original floor area, even if the number of units is not reduced. The Planning Commission may reduce the numerical element of this criterion by up to 20% of its value should it deem that adjustment necessary to implement the intent of this Section 317.1, to conserve existing housing and preserve affordable housing.~~

~~"Residential Unit" shall mean a legal conforming or legal nonconforming Dwelling Unit, or a legal nonconforming Live/Work Unit or Group Housing.~~

~~"Unauthorized Unit" shall mean one or more rooms within a building that have been used, without the benefit of a building permit, as a separate and distinct living or sleeping space independent from Residential Units on the same property. In this context,~~

~~"independent" shall mean that (A) the space has separate access that does not require entering a Residential Unit on the property and (B) there is no open, visual connection to a Residential Unit on the property.~~

~~(b) **Applicability; Exemption for Unauthorized Unit.**~~

~~(1) Any application for a permit that would result in the Removal of one or more Residential Units or Unauthorized Units in a C-3 (Downtown Commercial) District is required to obtain Conditional Use authorization. The application for a replacement building or alteration permit shall also be subject to Conditional Use requirements.~~

~~(2) The Conditional Use requirement of Subsection (b)(1) shall apply to (A) any building or site permit for Removal of an Unauthorized Unit issued on or after March 1, 2016, and (B) any permit for Removal of an Unauthorized Unit issued prior to March 1, 2016, that has been suspended by the City or in which the applicant's rights have not vested.~~

~~(3) The Removal of a Residential Unit that has received approval from the Planning Department through administrative approval or the Planning Commission through Discretionary Review or Conditional Use authorization prior to the effective date of this Section 317.1 is not required to apply for an additional approval under Subsection (b)(1).~~

~~(4) The Removal of an Unauthorized Unit does not require a Conditional Use authorization pursuant to Subsection (b)(1) if the Department has determined that there is no legal path for legalization.~~

~~(c) **Demolition.**~~

~~(1) No permit to Demolish a Residential Building in a C-3 District shall be issued until a building permit for the replacement structure is finally approved, unless the building is determined to pose a serious and imminent hazard as defined in the Building Code. A building permit is finally approved if the Board of Appeals has taken final action for approval~~

~~on an appeal of the issuance or denial of the permit or if the permit has been issued and the time for filing an appeal with the Board of Appeals has lapsed with no appeal filed.~~

~~(2) Conditional Use authorization is required for approval of the permit for Residential Demolition in a C-3 District, and the Commission shall consider the replacement structure as part of its decision on the Conditional Use application. If Conditional Use authorization is required for the replacement structure by other sections of this Code, the Commission shall consider the demolition as part of its decision on the Conditional Use application.~~

~~(3) Nothing in this Section 317.1 is intended to exempt buildings or sites where demolition is proposed from undergoing review with respect to Articles 10 and 11 of the Planning Code, where the requirements of those Articles apply. Notwithstanding the definition of "Residential Demolition" in this Section 317.1 and as further described in the Code Implementation Document with regard to Residential Demolition, the criteria of Section 1005 shall apply to projects subject to review under the requirements of Article 10 with regard to the structure itself.~~

~~(d) **Conversion to Student Housing.** The conversion of Residential Units to Student Housing is prohibited in C-3 Districts. For the purposes of this subsection (d), Residential Units that have been defined as such by the time a First Certificate of Occupancy has been issued by the Department of Building Inspection for new construction shall not be converted to Student Housing.~~

~~(e) **Conditional Use Criteria.** When considering whether to grant Conditional Use authorization for the loss or Removal of Residential or Unauthorized Unit(s) in C-3 Districts, in lieu of the criteria set forth in Planning Code Section 303, consideration shall be given to the adverse impact on the public health, safety, and general welfare of the loss of housing stock in the zoning district and to any unreasonable hardship to the applicant if the permit is denied.~~

~~(1) **Residential Merger.** In addition to the criteria set forth in Section 317(e) of this Code, the Planning Commission shall consider the following criteria in the review of applications to merge Residential Units or Unauthorized Units in C-3 Districts:~~

~~(A) how recently the unit being removed was occupied by a tenant or tenants; and~~

~~(B) the appraised value of the least expensive Residential Unit proposed for merger, when the merger does not involve an Unauthorized Unit.~~

~~The Planning Commission shall not approve an application for Residential Merger if any tenant has been evicted pursuant to Administrative Code Sections 37.9(a)(9) through 37.9(a)(14) where the tenant was served with a notice of eviction after December 10, 2013, if the notice was served within 10 years prior to filing the application for merger. Additionally, the Planning Commission shall not approve an application for Residential Merger if any tenant has been evicted pursuant to Administrative Code Section 37.9(a)(8) where the tenant was served with a notice of eviction after December 10, 2013, if the notice was served within five years prior to filing the application for merger. The restriction of this paragraph shall not apply if the tenant was evicted under Section 37.9(a)(11) or 37.9(a)(14) and the applicant(s) either (A) have certified that the original tenant reoccupied the unit after the temporary eviction or (B) have submitted to the Planning Commission a declaration from the property owner or the tenant certifying that the property owner or the Rent Board notified the tenant of the tenant's right to reoccupy the unit after the temporary eviction and that the tenant chose not to reoccupy it.~~

~~(2) **Residential Conversion.** The Planning Commission shall consider the criteria set forth in Section 317(f)(1) through (4) of this Code in the review of applications for Residential Conversion in C-3 Districts.~~

~~(3) **Residential Demolition.** In addition to the criteria set forth in Section 317(d) of this Code, the Planning Commission shall also consider the following criteria in the review of applications for Residential Demolition in C-3 Districts:~~

~~(A) whether the replacement project would maximize density on the subject lot; and~~

~~(B) if replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all of the existing units with new Dwelling Units of a similar size and with the same number of bedrooms or more.~~

~~(4) **Removal of Unauthorized Units.** In addition to the criteria set forth in Subsections (e)(1) through (e)(3) above, the Planning Commission shall also consider the criteria below in the review of applications for removal of Unauthorized Units:~~

~~(A) whether the Unauthorized Unit or Units are eligible for legalization under Section 207.3 of this Code;~~

~~(B) whether the costs to legalize the Unauthorized Unit or Units under the Planning, Building, and other applicable Codes is reasonable based on how such cost compares to the average cost of legalization per unit derived from the cost of projects on the Planning Department's Master List of Additional Dwelling Units Approved required by Section 207.3(k) of this Code;~~

~~(C) whether it is financially feasible to legalize the Unauthorized Unit or Units, based on the costs to legalize the Unauthorized Unit(s) under the Planning, Building, and other applicable Codes in comparison to the added value that legalizing said Units would provide to the subject property. The gain in the value of the subject property shall be based on the current value of the property with the Unauthorized Unit(s) compared to the value of the property if the Unauthorized Unit(s) is/are legalized. The calculation of the gain in value shall~~

~~be conducted and approved by a California licensed property appraiser. Legalization shall be deemed financially feasible if the gain in the value of the subject property is equal to or greater than the cost to legalize the Unauthorized Unit.~~

~~(5) **Denial of Application to Remove an Unauthorized Unit; Requirement to Legalize the Unit.** If the Planning Commission denies an application to Remove an Unauthorized Unit, the property owner shall file an application for a building permit to legalize the Unit. Failure to do so within a reasonable period of time, as determined by the Zoning Administrator, shall be deemed a violation of the Planning Code.~~

~~(f) **Notice of Conditional Use Hearing.** At least 20 days prior to any hearing to consider a Conditional Use authorization under Subsection (b) of this Section 317.1, the Zoning Administrator shall cause a written notice containing the following information to be mailed to all Residential Units and if known any Unauthorized Units in the building, in addition to any other notice required under this Code:~~

~~(1) Notice of the time, place, and purpose of the hearing; and~~

~~(2) An explanation of the process for demolishing, merging, or converting Residential Units or Unauthorized Units, including a description of subsequent permits that would be required from the Planning Department and Department of Building Inspection and how they could be appealed.~~

~~(g) **Exemptions.** This Section 317.1 shall not apply to property:~~

~~(1) Owned by the United States or any of its agencies;~~

~~(2) Owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental purpose;~~

~~(3) Under the jurisdiction of the Port of San Francisco or the Successor Agency to the Redevelopment Agency of the City and County of San Francisco where the application of this Section is prohibited by State or local law; or~~

~~(4) Where demolition of the building or Removal of a Residential Unit or Unauthorized Unit is necessary to comply with a court order or order of a City agency that directs the owner to demolish the building or remove the unit, due to conditions that present an imminent threat to life safety.~~

Section 3. The Planning Code is hereby amended by revising Zoning Control Tables 209.1, 209.2, 209.3, 209.4, 210.1, 210.2, 210.3, 210.4, to read as follows:

Table 209.1
ZONING CONTROL TABLE FOR RH DISTRICTS

* * * *

Zoning Category	*§ References*	*RH-1(D)*	*RH-1*	*RH-1(S)*	*RH-2*	*RH-3*
* * * *						
RESIDENTIAL STANDARDS AND USES						
Development Standards						
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 300 square feet if private, and 400 square feet if common.	At least 300 square feet if private, and 400 square feet if common.	At least 300 square feet for the first unit and 100 for the minor second unit if private, and 400 square feet for the first unit and 133 square feet for	At least 125 square feet if private, and 166 square feet if common.	At least 100 square feet if private, and 133 square feet if common.

				the second unit if common.		
Parking Requirements	§§ 151, 161	Generally, a minimum of one space for every ~~d~~Dwelling ~~u~~Unit required. Certain exceptions permitted per § 161.				
Residential Conversion, Demolition, or Merger	§ 317	C for Removal of one or more Residential Units or Unauthorized Units. ~~Loss of 1-2 units Mandatory DR/Loss of 3 or more units C.~~				
* * * *						

Table 209.2
ZONING CONTROL TABLE FOR RM DISTRICTS

* * * *

Zoning Category	*§ References*	*RM-1*	*RM-2*	*RM-3*	*RM-4*
* * * *					
RESIDENTIAL STANDARDS AND USES					
Development Standards					
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 100 square feet if private, and 133 square feet per ~~d~~Dwelling ~~u~~Unit if common.	At least 80 square feet if private, and 106 square feet per ~~d~~Dwelling	At least 60 square feet if private and 80 square feet per ~~d~~Dwelling	At least 36 square feet if private, and 48 square feet per ~~d~~Dwelling ~~u~~Unit if common.

			~~u~~Unit if common.	~~u~~Unit if common.	
Parking Requirements	§§ 151, 161	Generally one space for every ~~d~~Dwelling ~~u~~Unit minimum. Certain exceptions permitted per § 161.			
Residential Conversion, Demolition, or Merger	§ 317	*C for Removal of one or more Residential Units or Unauthorized Units.* ~~*Loss of 1-2 units mandatory DR/Loss of 3 or more C.*~~			
* * * *					

Table 209.3
ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

* * * *

Zoning Category	*§ References*	*RC-3*	*RC-4*
* * * *			
RESIDENTIAL STANDARDS AND USES			
Development Standards			
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 60 square feet if private, and 80 square feet per ~~d~~Dwelling ~~u~~Unit if common.	At least 36 square feet if private, and 48 square feet per ~~d~~Dwelling ~~u~~Unit if common.
Parking Requirements	§ 151.1	None Required. Up to one space for every two units permitted, and up to three spaces for every	

		four units permitted with Conditional Use per § 151.1.
Residential Conversion, Demolition, or Merger	§ 317	~~*Loss of 2 units or fewer DR/Loss of 3 or more*~~ C *for Removal of one or more Residential Units or Unauthorized Units.*
* * * *	* * * *	* * * *

Table 209.4
ZONING CONTROL TABLE FOR RTO DISTRICTS

* * * *

Zoning Category	*§ References*	*RTO*	*RTO-M*
* * * *			
RESIDENTIAL STANDARDS AND USES			
Development Standards			
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 100 square feet if private, and 133 square feet per ~~d~~*D*welling ~~u~~*U*nit if common.	
Parking Requirements	§ 151.1, 151.1	None required. Maximum permitted per § 151.1	
Residential Conversion,	§ 317	~~*Loss of 2 units or fewer DR/Loss of 3 or more*~~	*C for Removal of one or more Residential*

Demolition, or Merger		C *for Removal of one or more Residential Units or Unauthorized Units.*	*Units or Unauthorized Units.*
* * * *			

* * * *

Table 210.1
ZONING CONTROL TABLE FOR C-2 DISTRICTS

Zoning Category	*§ References*	*C-2*
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
Usable Open Space for Dwelling Units and Group Housing	§ 135	Same as for the R District establishing the dwelling unit density ratio for the property. Group Housing requirement is 1/3 the amount required for a Dwelling Unit.
Residential Parking Requirements	§ 151, 161	Generally one space per Dwelling Unit. Exceptions permitted per § 161. None required in the Washington-Broadway Special Use District.
Rear Yard Setback	§§ 130, 134	25% of the total depth lot depth, but in no case less than 15 feet. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building.

Residential Conversion, Demolition, or Merger	§ 317	*C for Removal of one or more Residential Units or Unauthorized Units.* ~~*Loss of 2 units or fewer DR/Loss of 3 or more C.*~~
* * * *		

Table 210.2
ZONING CONTROL TABLE FOR C-3 DISTRICTS

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Zoning Category	*§ References*	*C-3-O*	*C-3-O(SD)*	*C-3-R*	*C-3-G*	*C-3-S*
* * * *						
RESIDENTIAL STANDARDS AND USES						
Development Standards						
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 36 square feet if private, and 48 square feet per ~~d~~*D*welling ~~u~~*U*nit if common.				
Residential Parking Requirements	§§ 150, 151.1, 161	None required. P up to one car for each two Dwelling Units; C up to three cars for each four Dwelling Units. NP above.				
Rear Yard Setback	§§ 130, 134	25% of the total depth lot depth, but in no case less than 15 feet for lowest story containing a dwelling unit and each succeeding story. Exceptions are permitted by § 309.				
Residential Conversion,	§ ~~317.1~~ 317	*C for Removal of one or more Residential Units or Unauthorized Units*; ~~in C-3, C only for Removal above the ground floor.~~ ~~*Loss of 1-2 units mandatory DR/Loss of 3 or more units C.*~~				

Demolition, or Merger		
* * * *		

Table 210.3
ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	*§ References*	*PDR-1-B*	*PDR-1-D*	*PDR-1-G*	*PDR-2*
* * * * ***RESIDENTIAL STANDARDS AND USES*** ***Development Standards***					
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	N/A	N/A	N/A	N/A
Residential Parking Requirements	§§ 151.1, 161	N/A	N/A	N/A	N/A
Residential Conversion, Demolition, or Merger	§ 317	*C for Removal of one or more Residential Units or Unauthorized Units; in C-3, only for Removal above the ground floor..* ~~*Loss of 1-2 units mandatory DR/Loss of 3 or more units C.*~~			
* * * *					

Table 210.4
ZONING CONTROL TABLE FOR M DISTRICTS

Zoning Category	*§ References*	*M-1*	*M-2*
* * * *			
RESIDENTIAL STANDARDS AND USES			
Development Standards			
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 36 square feet if private, and 48 square feet per ~~d~~Dwelling ~~u~~Unit if public.	
Residential Parking Requirements	§§ 151, 161	None required. P up to one space for every two units. C up to three spaces for every four units. NP above.	
Rear Yard Setback	§§ 130, 134	25 percent of the total depth lot depth, but in no case less than 15 feet.	
Residential Conversion, Demolition, or Merger	§ 317	*C for Removal of one or more Residential Units or Unauthorized Units.* ~~*Loss of 1-2 units mandatory DR/Loss of 3 or more units C.*~~	
* * * *			

Section 4. The Planning Code is hereby amended by revising Zoning Control Tables 710 through 748 and 810 through 818, to read as follows:

Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1 ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	NC-1 Controls by Story		
		§ 790.118	*1st*	*2nd*	*3rd+*
~~*710.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*P*~~		
~~*710.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
710.96	*Removal of Residential and Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
* * * *	* * * *	* * * *	* * * *		

Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2 ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	NC-2 Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*711.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	

~~711.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
711.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	C	NP
711.97	Removal of Residential or Unauthorized Units through Demolition, or Merger	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

Table 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3 ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	NC-3 Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~712.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	~~C#~~
~~712.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					

712.96	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*
* * * *	* * * *	* * * *	* * * *

Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	NC-S Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*713.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*P*~~		
~~*713.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
713.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*
713.97	*Removal of Residential or Unauthorized Units through Demolition, or Merger*	*§ 317*	*C*		
* * * *	* * * *	* * * *	* * * *		

Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Broadway Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~714.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	
~~714.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
714.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
714.97	*Residential Conversion, Demolition, or Merger*	*§ 317*	*C*		
* * * *	* * * *	* * * *	* * * *		

Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Castro Street Controls by Story		
		§ 790.118	1st	2nd	3rd+

~~715.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	
~~715.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
715.96	*Removal of Residential or Unauthorized Units through Conversion*	§ 317	C	C	NP
715.97	*Removal of Residential or Unauthorized Units through Conversion,, Demolition, or Merger*	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

Table 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Inner Clement Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~716.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~		
~~716.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES

* * * *					
716.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*
716.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
* * * *	* * * *	* * * *	* * * *		

Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Outer Clement Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*717.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*P*~~		
~~*717.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
717.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*

717.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	§ 317	C
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Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Upper Fillmore Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~718.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	
~~718.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
718.96	*Removal of Residential or Unauthorized Units through Conversion*	§ 317	C	C	NP
718.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	§ 317	C		

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Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Haight Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~719.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~		
~~719.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
719.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	NP	NP
719.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

Table 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Hayes-Gough Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~720.36~~	~~Residential Conversion~~	~~§ 317~~	~~C~~	~~C~~	
~~720.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~720.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
720.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	C	NP
720.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
720.98	Residential Division	§ 207.8	P	P	P
* * * *	* * * *	* * * *	* * * *		

Table 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Upper Market Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~721.36~~	~~Residential Conversion~~	~~§ 317~~	~~C~~	~~C~~	
~~721.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~721.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~721.39~~	~~Residential merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
721.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	C	NP
721.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
721.98	Residential Division	§ 207.8	P	P	P
* * * *	* * * *	* * * *	* * * *		

Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	North Beach Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~722.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~		
~~722.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
722.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	NP	NP
722.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Polk Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~723.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	
~~723.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
723.96	*Removal of Residential or Unauthorized Units through Conversion*		C	C	NP
723.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Sacramento Street Controls by Story

		§ 790.118	1st	2nd	3rd+
~~724.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~		
~~724.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
724.96	*Removal of Residential or Unauthorized Units through Conversion*		C	NP	NP
724.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	§ 317	C for Removal of one or more Residential Units or Unauthorized Units.		
* * * *	* * * *	* * * *	* * * *		

Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Union Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~725.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	~~C~~
~~725.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
725.96	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*Cf*		
* * * *	* * * *	* * * *	* * * *		

Table 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Valencia Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*726.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*C*~~		
~~*726.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	~~*C*~~
~~*726.38*~~	~~*Residential Division*~~	~~*§ 207.8*~~	~~*P*~~	~~*P*~~	~~*P*~~
~~*726.39*~~	~~*Residential Merger*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
726.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*

726.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	§ 317	C		
726.98	*Residential Division*	§ 207.8	P	P	P
* * * *	* * * *	* * * *	* * * *		

Table 727. 24th STREET - MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	24th Street – Mission Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~727.36~~	~~Residential Conversion~~	~~§ 317~~	~~C~~		
~~727.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~727.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~727.39~~	~~Residential Merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
727.96	*Removal of Residential or Unauthorized Units through Conversion*	§ 317	C	NP	NP

727.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
727.98	*Residential Division*	*§ 207.8*	*P*	*P*	*P*
* * * *	* * * *	* * * *	* * * *		

Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	24th Street – Noe Valley Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*728.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*P*~~		
~~*728.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
728.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*
728.97	*Removal of Residential or Unauthorized Units through*	*§ 317*	*C*		

	Conversion, Demolition, or Merger		
* * * *	* * * *	* * * *	* * * *

Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	West Portal Avenue Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*729.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*P*~~		
~~*729.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
729.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*
729.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
* * * *	* * * *	* * * *	* * * *		

Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Inner Sunset Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~730.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~		
~~730.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
730.96	*Removal of Residential or Unauthorized Units through Conversion*	§ 317	C	NP	NP
730.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

Table 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	NCT-3 Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*731.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	~~*C*~~
~~*731.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	~~*C*~~
~~*731.38*~~	~~*Residential Division*~~	~~*§ 207.8*~~	~~*P*~~	~~*P*~~	~~*P*~~
~~*731.39*~~	~~*Residential Merger*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
731.96	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
731.97	*Residential Division*	*§ 207.8*	*P*	*P*	*P*
* * * *	* * * *	* * * *	* * * *		

Table 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Pacific Avenue Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~732.36~~	~~Residential Conversion~~	~~§ 317~~	~~C~~		
~~732.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~		~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
732.96	*Removal of Residential or Unauthorized Units through Conversion*	§ 317	C	NP	NP
732.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

Table 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Upper Market Street Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~733.36~~	~~Residential Conversion~~	~~§ 317~~	~~C~~	~~C~~	
~~733.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~733.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~733.39~~	~~Residential Merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
733.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	C	NP
733.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C for Removal of one or more Residential Units or Unauthorized Units.		
733.98	Residential Division	§ 207.8	P	P	P
* * * *	* * * *	* * * *	* * * *		

Table 733A. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1 ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	NCT-1 Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*733A.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*P*~~		
~~*733A.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	~~*C*~~
~~*733A.38*~~	~~*Residential Division*~~	~~*§ 207.8*~~	~~*P*~~	~~*P*~~	~~*P*~~
~~*733A.39*~~	~~*Residential Merger*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
733A.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*NP*	*NP*
733A.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
733A.98	*Residential Division*	*§ 207.8*	*P*	*P*	*P*
* * * *	* * * *	* * * *	* * * *		

Table 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	NCT-2 Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*734.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	
~~*734.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	~~*C*~~
~~*734.38*~~	~~*Residential Division*~~	~~*§ 207.8*~~	~~*P*~~	~~*P*~~	~~*P*~~
~~*734.39*~~	~~*Residential Merger*~~	~~*§ 317*~~	~~*C*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
734.96	*Removal of Residential or Unauthorized Units through Conversion*		*C*	*C*	*NP*
734.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
734.98	*Residential Division*	*§ 207.8*	*P*	*P*	*P*
* * * *	* * * *	* * * *	* * * *		

Table 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	SoMa Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~735.36~~	~~Residential Conversion~~	~~§ 317~~	~~C~~	~~C~~	
~~735.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~735.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~735.39~~	~~Residential Merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
735.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
735.96	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
735.97	*Residential Division*	*§ 207.8*	*P*	*P*	*P*
* * * *	* * * *	* * * *	* * * *		

Table 736. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Mission Street Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~736.36~~	~~Residential Conversion~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~736.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~736.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~736.39~~	~~Residential Merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
736.96	*Residential Conversion, Demolition, or Merger*	*§ 317*	*C for Removal of one or more Residential Units or Unauthorized Units.*		
736.97	*Residential Division*	*§ 207.8*	*P*	*P*	*P*

Table 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Ocean Avenue Transit Controls by Story

		§ 790.118	1st	2nd	3rd+
~~737.36~~	~~Residential Conversion~~	~~§ 317~~	~~C~~	~~C~~	
~~737.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~737.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~737.39~~	~~Residential Merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
737.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
737.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
737.98	*Residential Division*	*§ 207.8*	*P*	*P*	*P*

Table 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Glen Park Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~738.36~~	~~Residential Conversion~~	~~§ 317~~	~~C~~	~~C~~	

~~738.37~~	~~Residential Demolition~~	~~§ 317~~	~~C~~	~~C~~	~~C~~
~~738.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~738.39~~	~~Residential Merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
738.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	C	NP
738.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
738.98	Residential Division	§ 207.8	P	P	P

Table 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Noriega Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~739.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	
~~739.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
739.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
739.97	*Residential Conversion, Demolition, or Merger*	*§ 317*	*C*		
* * * *	* * * *	* * * *	* * * *		

Table 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Irving Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~*740.36*~~	~~*Residential Conversion*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	
~~*740.37*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*P*~~	~~*C*~~	~~*C*~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
740.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*

740.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*
* * * *	* * * *	* * * *	* * * *

Table 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Taraval Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~741.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	
~~741.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
741.96	*Removal of Residential or Unauthorized Units through Conversion*	*§ 317*	*C*	*C*	*NP*
741.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C for Removal of one or more Residential Units or Unauthorized Units.*		

* * * *	* * * *	* * * *	* * * *

Table 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Judah Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~742.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	
~~742.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
742.96	*Removal of Residential or Unauthorized Units through Conversion*	§ 317	C	C	NP
742.96	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

Table 743. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Folsom Street Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~743.37~~	~~Residential Conversion~~	~~§§ 207.7, 317, 790.84~~	~~C~~	~~C~~	
~~743.38~~	~~Residential Demolition~~	~~§§ 207.7, 317, 790.86~~	~~C~~	~~C~~	~~C~~
~~743.39~~	~~Residential Division~~	~~§ 207.8, 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
743.96	Removal of Residential or Unauthorized Units through Conversion		C	C	NP
743.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
743.98	Residential Division	§ 207.8, 317	C	C	C
* * * *	* * * *	* * * *	* * * *		

Table 744. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Regional Commercial Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~744.37~~	~~Residential Conversion~~	~~§§ 207.7, 317, 790.84~~	~~C~~	~~C~~	
~~744.38~~	~~Residential Demolition~~	~~§§ 207.7, 317, 790.86~~	~~C~~	~~C~~	~~C~~
~~744.39~~	~~Residential Division~~	~~§ 207.8, 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
744.96	Removal of Residential or Unauthorized Units through Conversion	§ 317	C	C	NP
744.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
744.98	Residential Division	§ 207.8	C	C	C
* * * *	* * * *	* * * *	* * * *		

Table 745. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Excelsior Outer Mission Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~745.36~~	~~Residential Conversion~~	~~§§ 317, 790.84~~	~~C~~	~~C~~	~~C~~
~~745.37~~	~~Residential Demolition~~	~~§§ 317, 790.86~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
745.96	*Residential Conversion, Demolition, or Merger*	*§ 317*	*C for Removal of one or more Residential Units or Unauthorized Units.*		
* * * *	* * * *	* * * *	* * * *		

Table 746. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Divisadero Street Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~746.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~C~~	

~~746.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~
~~746.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~746.39~~	~~Residential Merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
746.96	*Removal of Residential or Unauthorized Units through Conversion*		C	C	NP
746.97	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	§ 317	C		
746.98	*Residential Division*	§ 207.8	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

Table 747. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Fillmore Street Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~747.36~~	~~Residential Conversion~~	~~§ 317~~	~~P~~	~~NP~~	~~NP~~
~~747.37~~	~~Residential Demolition~~	~~§ 317~~	~~P~~	~~C~~	~~C~~

~~747.38~~	~~Residential Division~~	~~§ 207.8~~	~~P~~	~~P~~	~~P~~
~~747.39~~	~~Residential Merger~~	~~§ 317~~	~~C~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
747.96	Removal of Residential or Unauthorized Units through Conversion		C	NP	NP
747.97	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
747.98	Residential Division	§ 207.8	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

Table 748. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

No.	Zoning Category	§ References	Japantown Controls by Story		
		§ 790.118	1st	2nd	3rd+
~~748.36~~	~~Residential Conversion~~	~~§§ 317~~	~~P~~	~~C~~	~~C~~
~~748.37~~	~~Residential Demolition~~	~~§§ 317~~	~~P~~	~~C~~	~~C~~

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *					
748.96	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	*C*		
* * * *	* * * *	* * * *	* * * *		

Table 810
CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES

No.	Zoning Category	§ References	Chinatown Community Business Controls by Story		
			1st	2nd	3rd+
~~*38a*~~	~~*Residential Conversion, Residential Hotels*~~	~~*Ch. 41 Admin. Code*~~			
~~*38b*~~	~~*Residential Demolition, Residential Hotels*~~	~~*Ch. 41 Admin. Code*~~			
~~*39a*~~	~~*Residential Conversion*~~	~~*§ 317*~~			
~~*39b*~~	~~*Residential Demolition*~~	~~*§ 317*~~			
RESIDENTIAL STANDARDS AND USES					
* * * *					

97	Residential Conversion or Demolition, Residential Hotels	Ch. 41 Admin. Code			
98	Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger	§ 317	C		
* * * *	* * * *	* * * *	* * * *		

Table 811
CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES

No.	Zoning Category	§ References	Chinatown Visitor Retail Controls by Story		
			1st	2nd	3rd+
~~38a~~	~~Residential Conversion, Residential Hotels~~	~~Ch. 41 Admin. Code~~			
~~38b~~	~~Residential Demolition, Residential Hotels~~	~~Ch. 41 Admin. Code~~			
~~39a~~	~~Residential Conversion~~	~~§ 317~~			
~~39b~~	~~Residential Demolition~~	~~§ 317~~			
RESIDENTIAL STANDARDS AND USES					
* * * *					

97	*Residential Conversion or Demolition, Residential Hotels*	Ch. 41 Admin. Code			
98	*Removal of Residential or Unauthorized Units through Conversion, Demolition, or Merger*	*§ 317*	C		
* * * *	* * * *	* * * *	* * * *		

Table 812
CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES

No.	Zoning Category	§ References	Chinatown Residential Neighborhood Commercial Controls by Story		
			1st	2nd	3rd+
~~38a~~	~~*Residential Conversion, Residential Hotels*~~	~~*Ch. 41 Admin. Code*~~			
~~38b~~	~~*Residential Demolition, Residential Hotels*~~	~~*Ch. 41 Admin. Code*~~			
~~39a~~	~~*Residential Conversion*~~	~~*§ 317*~~			
~~39b~~	~~*Residential Demolition*~~	~~*§ 317*~~			
RESIDENTIAL STANDARDS AND USES					
* * * *					

97	*Residential Conversion or Demolition, Residential Hotels*	Ch. 41 Admin. Code			
98	*Residential Conversion, Demolition, or Merger*	*§ 317*	*C for Removal of one or more Residential Units or Unauthorized Units.*		
* * * *	* * * *	* * * *	* * * *		

Table 813
RED – RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Residential Enclave Controls
* * * *			
USE STANDARDS			
* * * *	* * * *	* * * *	* * * *
813.04	Non-Residential Density *Limit*	§§ 102~~.9~~, 123, 124, 127	Generally, 1.0 to 1 floor area ratio
* * * *	* * * *	* * * *	* * * *
813.13	Residential Demolition *or Merger*	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*
* * * *			

Table 814
SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	South Park District Controls
* * * *	* * * *	* * * *	* * * *
814.05	Non-~~r~~Residential ~~d~~Density *Limit*	§§ 102~~.9~~, 123, 124, 127	Generally, 1.8 to 1 floor area ratio
* * * *	* * * *	* * * *	* * * *
814.12	Residential Conversion *or Merger*	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*
814.13	Residential Demolition	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*

* * * *

Table 815
RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Residential/Service Mixed Use District Controls
* * * *	* * * *	* * * *	* * * *

815.04	Non-Residential Density *Limit*	§§ 102~~.9~~, 123, 124, 127	Generally, 1.8 to 1 floor area ratio subject to § 803.5(j)
* * * *	* * * *	* * * *	* * * *
815.12	Residential Conversion *or Merger*	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*
815.13	Residential Demolition	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*

* * * *

Table 816
SLR – SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Service/Light Industrial/Residential Mixed Use District Controls
* * * *	* * * *	* * * *	* * * *
816.04	Non-Residential Density Limit	§§ 102~~.9~~, 123, 124, 127	Generally, 2.5 to 1 floor area ratio
* * * *	* * * *	* * * *	* * * *

816.12	Residential Conversion *or Merger*	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*
816.13	Residential Demolition	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*

* * * *

Table 817
SLI – SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Service/Light Industrial District Controls
* * * *	* * * *	* * * *	* * * *
817.04	Non-Residential Density Limit	§§ 102~~.9~~, 123, 124, 127	Generally, 2.5 to 1 floor area ratio
* * * *	* * * *	* * * *	* * * *
817.12	Residential Conversion *or Merger*	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*
817.13	Residential Demolition	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*

* * * *

Table 818
SSO – SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Service/Secondary Office District Controls
* * * *	* * * *	* * * *	* * * *
818.04	Non-Residential Density Limit	§§ 102~~.9~~, 123, 124, 127	3.0 to 1 floor area ratio in 40 or 50 foot height districts; 4.0 to 1 in 65 or 80 foot height districts, and 4.5 to 1 in 130 foot height districts
* * * *	* * * *	* * * *	* * * *
818.12	Residential Conversion *or Merger*	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*
818.13	Residential Demolition	§ 317	C *for Removal of one or more Residential Units or Unauthorized Units.*

* * * *

Section 5. The Building Code is hereby amended by revising Section 102A, to read as follows:

SECTION 102A – UNSAFE BUILDINGS, STRUCTURES OR PROPERTY

All buildings, structures, property, or parts thereof, regulated by this code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, safety or health of the occupants or the occupants of adjacent properties or the public by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or by reason of occupancy or use in violation of law or ordinance, or were erected, moved, altered, constructed or maintained in violation of law or ordinance are, for the purpose of this chapter, unsafe.

* * * *

102A.3 Inspections and Complaints. The Building Official is hereby authorized to inspect or cause the inspection of any building, structure or property for the purpose of determining whether or not it is unsafe in any of the following circumstances:

1. Whenever the Building Official, with reasonable discretion, determines that such inspection is necessary or desirable.

2. Whenever any person files with the Building Official a complaint from which there is, in the Building Official's opinion, probable cause to believe that the building, structure or property or any portion thereof, is unsafe.

3. Whenever an agency or department of the City and County of San Francisco transmits to the Building Official a written report from which there is, in the opinion of the Building Official, probable cause to believe that the building, structure or property, or any portion thereof, is unsafe.

Upon the completion of any such inspection and the finding by the Building Official of any condition which renders the building, structure or property unsafe, the Building Official

shall, within 15 days thereafter, serve a written notice of violation upon the building owner which shall contain specific allegations, setting forth each condition the Building Official has found which renders the building, structure or property unsafe. The Building Official shall, within three days of mailing of such notice of violation, post a copy thereof in a conspicuous place in or upon such building, structure or property and make available a copy of the notice of violation to each tenant thereof. Such notice shall also set forth the penalties for violation prescribed in Section 103A of this code. In addition to the civil penalties prescribed in Section 103A, the Department's cost of preparation for and appearance at the hearing required by Section 102A.4, and all prior and subsequent attendant and administrative costs, shall be assessed upon the property owner monthly, after failure to comply with a written notice of violation that has been served upon the property owner. Said violations will not be deemed legally abated until the property owner makes full payment of the assessment of costs to the Department of Building Inspection. See Section 110A, Table 1A-D – Standard Hourly Rates and Table 1A-K – Penalties, Hearings, Code Enforcement Assessments – for the applicable rate. Failure to pay the assessment of costs shall result in tax lien proceedings against the property per Section 102A.18.

If the unsafe conditions observed on the property have not been corrected within the time period provided, the matter shall be set for hearing within 60 days from the compliance date specified on the notice of violation, if not substantial progress in abating the Code violations has commenced.

102A.3.1. ***Dwelling Units constructed or installed without required permit(s).*** *In the case of an unauthorized Dwelling Unit constructed or installed in an existing building without the required permit or permits, in addition to the above requirements the written notice of violation shall order the property owner to file an application for a building and other permits required to legalize the unit pursuant to Building Code Section 106A.3.1.3 and Planning Code Section 207.3.*

EXCEPTIONS:

1. ~~unless~~ r*Removal of the unit* ~~is~~ has been *approved by the Planning Commission pursuant to Planning Code Section 317*; or

2. After performing a screening under Section 106A.3.1.3(a) of this Code, the Department has determined that the unauthorized Dwelling Unit is not able to be legalized under Section 106A.3.1.3 of this Code; or

3. The Building Official has determined that a serious and imminent hazard under Section 102A.16 of this Code exists on the subject property.

~~102A.3.1.1. **Re-issuance of an unabated notice of violation.** Any notice of violation issued prior to the effective date of Section 102A.3.1 and that remains unabated shall be re-issued in compliance with the requirements of Section 102A.3.1.~~

Upon submission of an application for legalization or removal of an unauthorized Dwelling Unit by the owner or the owner's authorized agent, the Department will suspend a notice of violation issued pursuant to this Section 102A.3.1 pending a decision on the application unless the Building Official has determined that a serious and imminent hazard exists on the property. If approval of either legalization or removal of the unauthorized Dwelling Unit occurs within one year of issuance of the notice of violation, the notice of violation and any liens recorded against the property with respect to the violation will be rescinded. The Building Official may extend this time if a delay in obtaining approval is not the fault of the property owner.

Section 6. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney

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City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160115 **Date Passed:** March 08, 2016

Ordinance amending the Planning Code to require Conditional Use authorization for the removal of any residential unit (whether authorized or unauthorized) and to exempt from the Conditional Use application requirement unauthorized units where there is no legal path for legalization, residential units that have received prior Planning approval, and single-family homes that are demonstrably unaffordable or unsound; amending the Building Code to require that notices of violation order the filing of an application to legalize an unauthorized unit unless infeasible under the Building Code, the Planning Commission approves its removal, or a serious and imminent hazard exists on the property; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code, Section 302, and the eight priority policies of Planning Code, Section 101.1.

February 08, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

February 08, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

February 08, 2016 Land Use and Transportation Committee - CONTINUED AS AMENDED

February 22, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

February 22, 2016 Land Use and Transportation Committee - DUPLICATED AS AMENDED

February 22, 2016 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

March 01, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 01, 2016 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 9 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin and Wiener

Noes: 2 - Tang and Yee

March 08, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Wiener

Noes: 1 - Yee

File No. 160115

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/8/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/11/2016
Date Approved

GOVERNMENT
DOCUMENTS DEPT

FILE NO. 150902 MAY - 3 2016 ORDINANCE NO. 34-16

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[Administrative Code - Considering Criminal History in Appointments to Boards and Commissions]

Ordinance amending the Administrative Code to delete the requirement that applicants for membership on boards and commissions disclose all felony convictions; to limit the City from using criminal history information in making decisions about appointment and removal of members of certain boards, commissions, and other bodies; and to require the City to follow certain restrictions when inquiring about or using conviction history information to make decisions about appointment or removal.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Administrative Code is hereby amended by deleting Section 2.6-4 and adding Article XII, Sections 16.500, 16.501, and 16.502, to Chapter 16, to read as follows:

~~***SEC. 2.6-4. DISCLOSURE OF FELONY CONVICTIONS.***~~

~~*Any person applying to the Board of Supervisors for appointment to a board, commission, committee, task force, or other body, shall submit, in addition to any other information required as part of the application process, a written statement under penalty of perjury disclosing any felony convictions.*~~

~~*These requirements shall not apply to mayoral nominations to boards and commissions submitted to the Board of Supervisors pursuant to Charter Section 3.100(15).*~~

CHAPTER 16: OFFICERS AND EMPLOYEES GENERALLY

* * * *

ARTICLE XII:

CONSIDERATION OF CRIMINAL HISTORY OF PEOPLE APPLYING FOR OR SERVING ON CERTAIN CITY BOARDS, COMMISSIONS, AND OTHER BODIES

Sec. 16.500. Findings.

Sec. 16.501. Definitions.

Sec. 16.502. Use Of Criminal History Information Regarding Appointments To Or Removal From Policy Bodies.

SEC. 16.500. FINDINGS.

The health, safety, and well-being of San Francisco's communities depend on ensuring that people with arrest or conviction records have opportunities to effectively reintegrate into the community. The findings in Police Code Section 4902 provide many of the reasons why it is critical for the City to take steps to facilitate that reintegration. One dimension of this reintegration process is to remove arbitrary roadblocks to participation in City government.

To that end, this Article XII provides that the City and County of San Francisco cannot, except in appropriate circumstances, remove people from certain City boards, commissions, and other bodies or reject applicants seeking appointment to such boards, commissions, and other bodies, based on the members' or applicants' criminal history. In this way, the policies that the City applies to its appointment process for these boards, commissions, and other bodies will substantially mirror the policies that apply to private employers and housing providers under Police Code Article 49.

SEC. 16.501. DEFINITIONS.

(a) As used in this Article XII, the terms "Arrest," "Background Check Report," "City," "Conviction History," "Evidence of Rehabilitation or Other Mitigating Factors," "Inquire," and "Unresolved Arrest" shall have the meanings set forth in Police Code Section 4903.

(b) As used in this Article XII, the following terms have the following meanings:

"Adverse Action" shall mean a decision to not nominate or appoint a person as a member of a Board Policy Body or to remove a person as a member of such a body.

"Applicant" shall mean a person seeking nomination or appointment to a Board Policy Body.

"Conviction" shall mean a record from any jurisdiction that includes information indicating that a person has been convicted of a felony or misdemeanor; provided that the conviction is one for which the person has been placed on probation, fined, imprisoned, or paroled.

"Directly-Related Conviction" shall mean that the conduct for which an Applicant or Member was convicted or that is the subject of an Unresolved Arrest has a direct and specific negative bearing on that Applicant or Member's ability to perform the duties or responsibilities of the Board Policy Body or is directly related to matters that the Board Policy Body may consider.

"Member" shall mean a person serving as a member of a Board Policy Body.

"Board Policy Body" shall mean a board, commission, committee, task force, or other body, created by a resolution or ordinance adopted by the Board of Supervisors, that is responsible for exercising the sovereign powers of the City or for advising City employees, officers, departments, boards, or commissions. "Board Policy Body" shall include a committee, task force, or other body of a Board Policy Body. "Board Policy Body" shall not include boards, commissions, committees, task forces, or other bodies created by the Charter or created by an initiative ordinance that specifies the qualifications for appointments to the body.

SEC. 16.502. REQUESTS FOR AND USE OF CRIMINAL HISTORY INFORMATION.

(a) Regarding appointment to or removal from positions on Board Policy Bodies, City employees and officers shall not, at any time or by any means, inquire about, require disclosure of, or if such information is received base an Adverse Action in whole or in part on:

(1) An Arrest not leading to a Conviction, excepting an Unresolved Arrest under circumstances identified in this Section 16.502;

(2) Participation in or completion of a diversion or a deferral of judgment program;

(3) A Conviction that has been judicially dismissed, expunged, voided, invalidated, or otherwise rendered inoperative, by way of example but not limitation, under California Penal Code sections 1203.4, 1203.4a, or 1203.41;

(4) A Conviction or any other determination or adjudication in the juvenile justice system, or information regarding a matter considered in or processed through the juvenile justice system;

(5) A Conviction that is more than seven years old, the date of Conviction being the date of sentencing; or

(6) Information pertaining to an offense other than a felony or misdemeanor, such as an infraction.

Accordingly, the matters identified in this subsection (a) may not be considered in any manner by a City employee or officer in making a decision regarding appointment to or removal from positions on Board Policy Bodies.

(b) No City employee or officer shall require Applicants to disclose on any application for membership on a Board Policy Body the facts or details of any Conviction History, any Unresolved Arrest, or any matter identified in subsections (a)(1)-(6). Nor shall any City employee or officer inquire on any application for membership on a Board Policy Body about the facts or details of any Conviction History, any Unresolved Arrest, or any matter identified in subsections (a)(1)-(6). A City employee or officer may ask on an application for membership on a Board Policy Body for an

Applicant or Member's written consent for a Background Check so long as the application includes a clear and conspicuous statement that the City will not itself conduct or obtain from a third party the Background Check until either after the first live interview with the person, after the first public hearing regarding the person's potential appointment, or after a conditional offer of appointment in accordance with subsection (c) of this Section 16.502.

(c) No City employee or officer shall require Applicants for membership on a Policy Body to disclose, and shall not inquire into or discuss, their Conviction History or an Unresolved Arrest until either after the first live interview with the person (via telephone, videoconferencing, use of other technology, or in person), after the first public hearing regarding the person's potential appointment, or, at the City's discretion, after a conditional offer of appointment. The City may not itself conduct or obtain from a third party a Background Check until either after the first live interview with the person, after the first public hearing regarding the person's potential appointment, or after a conditional offer of appointment.

(d) Prior to any Conviction History inquiry, the City shall provide notice to the Applicant or Member that substantially conforms to the notice requirement described in Police Code Section 4905(b).

(e) Prior to obtaining a copy of a Background Check Report, the City shall comply with all state and federal requirements including but not limited to those in the California Investigative Consumer Reporting Agencies Act (ICRAA), California Civil Code sections 1786 et seq., and the Federal Consumer Reporting Act (FCRA), 15 United States Code sections 1681 et seq., to provide notice to the Applicant or Member that such a report is being sought.

(f) In making a decision based on an Applicant or Member's Conviction History, a City employee or officer shall conduct an individualized assessment, considering only Directly-Related Convictions, the time that has elapsed since the Conviction or Unresolved Arrest, and any evidence of inaccuracy or Evidence of Rehabilitation or Other Mitigating Factors.

(g) If a City employee or officer intends to base an Adverse Action on an item or items in the Applicant or Member's Conviction History, the City employee or officer shall provide the Applicant or Member with a copy of the Background Check Report, if any, and shall notify the Applicant or Member of the prospective Adverse Action and the items forming the basis for the prospective Adverse Action.

(h) City employees and officers shall not engage in any communication that is intended and reasonably likely to reach persons who are reasonably likely to seek appointment to a Board Policy Body, and that expresses, directly or indirectly, that any person with an Arrest or Conviction will not be considered or may not apply for membership on a Board Policy Body.

(i) References in this Section 16.502 to "City officers and employees" shall be understood to include members of Board Policy Bodies when considering appointment of persons to, and removal of members from, a committee, task force, or other body of a Board Policy Body.

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JON GIVNER
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 150902 **Date Passed:** March 15, 2016

Ordinance amending the Administrative Code to delete the requirement that applicants for membership on boards and commissions disclose all felony convictions; to limit the City from using criminal history information in making decisions about appointment and removal of members of certain boards, commissions, and other bodies; and to require the City to follow certain restrictions when inquiring about or using conviction history information to make decisions about appointment or removal.

February 25, 2016 Public Safety and Neighborhood Services Committee - RECOMMENDED

March 08, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 15, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 150902

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/15/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/25/2016
Date Approved

GOVERNMENT
DOCUMENTS DEPT

FILE NO. 151084 MAY - 3 2016 ORDINANCE NO. 35-16

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[Planning Code - Upper Market Street Neighborhood Commercial Transit District; Second Floor Bars]

Ordinance amending the Planning Code to allow an existing bar on the ground floor in the Upper Market Street Neighborhood Commercial Transit District to expand to the second floor under specified circumstances with a Conditional Use authorization; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 151084 and is incorporated herein by reference. The Board affirms this determination.

(b) On February 4, 2016, the Planning Commission, in Resolution No. 19556, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and the eight priority policies of Planning Code Section 101.1.

The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 151084, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that the actions contemplated in this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 19556 and the Board incorporates such reasons herein by reference.

Section 2. The Planning Code is hereby amended by revising Section 733, to read as follows:

* * * *

Table 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

* * * *	* * * *	* * * *	* * * *		
	Zoning Category	**§ References**	**Upper Market Street Transit Controls by Story**		
		§ 790.118	**1st**	**2nd**	**3rd+**
* * * *					
Retail Sales and Services					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
733.41	Bar	§ 790.22	C	-*C#*	-
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

SPECIFIC PROVISIONS FOR THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT		
Article 7 Code Section	**Other Code Section**	**Zoning Controls**
* * * *	* * * *	* * * *

§ 733.41	*§§ 102, 790.22*	*Within the Upper Market Street Neighborhood Commercial Transit District, an existing Bar on the ground floor operating under a Conditional Use authorization may expand to the second floor if: (a) the space to be converted has not been in Residential use within the previous five years, (b) an internal staircase connecting the ground floor Bar use and the upper floor already exists, and (c) there will be no expansion of the building envelope.*
* * * *	* * * *	* * * *

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151084 **Date Passed:** March 15, 2016

Ordinance amending the Planning Code to allow an existing bar on the ground floor in the Upper Market Street Neighborhood Commercial Transit District to expand to the second floor under specified circumstances with a Conditional Use authorization; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

February 29, 2016 Land Use and Transportation Committee - RECOMMENDED

March 08, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 15, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151084

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/15/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/25/2016
Date Approved

GOVERNMENT
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FILE NO. 151241 MAY - 3 2016 ORDINANCE NO. 36-16

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[Administrative Code - Cash Revolving Fund for Office of the Clerk of the Board]

Ordinance amending the Administrative Code to create a cash revolving fund allowing the Office of the Clerk of the Board to keep up to $100 in petty cash in the office; and making nonsubstantive changes to other sections of the Administrative Code that establish cash revolving funds for City departments.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Administrative Code is hereby amended by revising Sections 10.126 through 10.132 and deleting Sections 10.132-5 through 10.169-21, to read as follows, with Section 10.125 reprinted only to provide context:

ARTICLE XV:

CASH REVOLVING FUNDS

SEC. 10.125. CASH REVOLVING FUNDS – AUTHORIZED; PURPOSES GENERALLY.

Cash revolving funds for departments are hereby continued or established in such amounts as have been or may be specifically appropriated or made available to each to be used in connection with the operations of the respective departments for making cash change, for making petty cash purchases and for disbursements which cannot be conveniently made by warrants or checks drawn by the Controller upon the Treasury of the City and County.

Such petty cash purchases and disbursements shall be for purposes and within funds available in the appropriations from which said revolving fund claims are to be reimbursed; and shall be in conformity with applicable rules and regulations prescribed by the Purchaser of Supplies and the Controller.

SEC. 10.126. CASH REVOLVING FUNDS – PURPOSES.

Expenditures may be made from departmental revolving funds for such classes of transactions as may be in writing recommended by the department head, approved by the Mayor or Mayor's designee, board, or commission, if any, and specifically concurred in by the Controller.

SEC. 10.127. CASH REVOLVING FUNDS – "CASH REVOLVING FUND" CONSTRUED.

The terms *"cash revolving fund,"* "departmental revolving fund," and "revolving fund," in either the singular or plural, as used *in this Article XV*~~*hereinafter*~~, shall *include* ~~*be taken to the inclusive of*~~ any subdivisions of any revolving fund ~~*which may be authorized*~~.

SEC. 10.128. CASH REVOLVING FUNDS – SUBDIVISIONS OF FUNDS; WITHDRAWALS BY CHECK.

The department head, board, or commission, with the concurrence of the Controller, may authorize such subdivisions in any revolving fund as will effect the most efficient operation thereof; provided, however, that all amounts for other than cash change and petty cash purposes shall be maintained in banks or a bank designated by the Treasurer. Withdrawals from such banks shall be made by checks signed by at least two representatives designated by the department head, board or commission. A duplicate copy of the monthly bank statement shall be sent directly from the bank to the Treasurer ~~*of the City and County*~~.

SEC. 10.129. CASH REVOLVING FUNDS – RESPONSIBLITY FOR AMOUNT OF FUNDS.

The ~~*duly appointed and acting*~~ head of the ~~*respective*~~ department for which a revolving fund has been provided *in Section 10.132* shall be responsible for the full amount of the revolving fund for his or her department.

SEC 10.132. ~~***CASH REVOLVING FUNDS – AIRPORT; $10,000.***~~***CASH REVOLVING FUNDS – LIMITS FOR EACH DEPARTMENT.***

Cash revolving funds are hereby authorized for the following departments, up to the maximum amounts listed in this Section 10.132, subject to the restrictions and procedures set forth in this Article XV:

Airport; $10,000

Animal Care And Control; $2,000

Assessor; $650

Board of Appeals; $150

Department of Building Inspection: $4,500

Clerk of the Board of Supervisors; $100

Controller; $200

County Clerk; $500

District Attorney; $200

Ethics Commission; $100

Farmers' Market; $400

Fire Department; $2,000

Human Services Agency; $100,000

Library; $3,500

Medical Examiner; $500

Office of Citizen Complaints; $100

Planning Department; $200

Port of San Francisco; $5,000

Public Defender; $200

Department of Public Health; $43,000

Department of Public Health - Community Mental Health Services Vocational Rehabilitation Revolving Fund; $1,000

Department of Public Health - Laguna Honda Hospital; $1,500

Department of Public Health - San Francisco General Hospital; $10,000

Public Utilities Commission; $5,000

Public Utilities Commission - Hetch Hetchy Project; $10,000

Public Utilities Commission - Water Department; $28,000

Department of Public Works; $10,000

Recreation And Park Department; $5,000

Recreation and Park Department, Camp Mather; $750

Sheriff; $8,000.

Sheriff Inmate Welfare Fund; $5,000

Treasurer-Tax Collector; $4,500

San Francisco Employees' Retirement System; $500

War Memorial; $1,000

~~***SEC. 10.132-5. RESERVED.***~~

~~***SEC. 10.133. CASH REVOLVING FUNDS—ASSESSOR; $650.***~~

~~***SEC. 10.135. CASH REVOLVING FUNDS—DEPARTMENT OF BUILDING INSPECTION; $4,500.***~~

~~***SEC. 10.136. RESERVED.***~~

~~***SEC. 10.137. RESERVED.***~~

~~***SEC. 10.138. RESERVED.***~~

~~*SEC. 10.139. CASH REVOLVING FUNDS—CONTROLLER; $200.*~~

~~*SEC. 10.140. RESERVED.*~~

~~*SEC. 10.142. RESERVED.*~~

~~*SEC. 10.143. RESERVED.*~~

~~*SEC. 10.144. CASH REVOLVING FUNDS—ADMINISTRATIVE SERVICES, FARMERS' MARKET; $400.*~~

~~*SEC. 10.144-5. CASH REVOLVING FUNDS—FIRE DEPARTMENT; $2,000.*~~

~~*SEC. 10.145. CASH REVOLVING FUNDS—HETCH HETCHY PROJECT; $10,000.*~~

~~*SEC. 10.145-1. RESERVED.*~~

~~*SEC. 10.145-2. RESERVED.*~~

~~*SEC. 10.146. RESERVED.*~~

~~*SEC. 10.147. CASH REVOLVING FUNDS—LAGUNA HONDA HOSPITAL; $1,500.*~~

~~*Sec. 10.148. RESERVED.*~~

~~*SEC. 10.150. RESERVED.*~~

~~*SEC. 10.151. RESERVED.*~~

~~*SEC. 10.152. RESERVED.*~~

~~*SEC. 10.153. CASH REVOLVING FUNDS—PUBLIC DEFENDER; $200.*~~

~~*SEC. 10.154. CASH REVOLVING ACCOUNTS—PUBLIC HEALTH; $43,000.*~~

~~*SEC. 10.154-1. CASH REVOLVING FUNDS—PUBLIC HEALTH, COMMUNITY MENTAL HEALTH SERVICES VOCATIONAL REHABILITATION REVOLVING FUND; $1,000.*~~

~~*SEC. 10.155. CASH REVOLVING FUNDS—PUBLIC LIBRARY; $3,500.*~~

~~*SEC. 10.156. CASH REVOLVING FUNDS—PUBLIC UTILITIES COMMISSION; $5,000.*~~

~~*SEC. 10.157. CASH REVOLVING ACCOUNTS—DEPARTMENT OF HUMAN SERVICES; $100,000.*~~

~~*SEC. 10.158. CASH REVOLVING FUNDS—PUBLIC WORKS; $10,000.*~~

~~*SEC. 10.158-1. RESERVED.*~~

~~*SEC. 10.159. CASH REVOLVING FUNDS—COUNTY CLERK; $500.*~~

~~*SEC. 10.160. CASH REVOLVING FUNDS—AUTHORIZED; RECREATION AND PARK DEPARTMENT; $5,000.*~~

~~*SEC. 10.160-1. RESERVED.*~~

~~*SEC. 10.161. CASH REVOLVING FUNDS—RECREATION CAMP MATHER; $750.*~~

~~*SEC. 10.162. RESERVED.*~~

~~*SEC. 10.163. CASH REVOLVING FUNDS—SAN FRANCISCO GENERAL HOSPITAL; $10,000.*~~

~~*SEC. 10.164. CASH REVOLVING FUNDS—SHERIFF; $8,000.*~~

~~*SEC. 10.164-1. CASH REVOLVING FUNDS—SHERIFF INMATE WELFARE FUND; $5,000.*~~

~~*SEC. 10.164-2. RESERVED.*~~

~~*SEC. 10.165. CASH REVOLVING FUNDS—TREASURER-TAX COLLECTOR; $4,500.*~~

~~*SEC. 10.166. CASH REVOLVING FUNDS—WATER DEPARTMENT; $28,000.*~~

~~*SEC. 10.168. RESERVED.*~~

~~*SEC. 10.169. CASH REVOLVING FUNDS—SAN FRANCISCO PORT COMMISSION; $5,000.*~~

~~*SEC. 10.169-1. CASH REVOLVING FUNDS—SAN FRANCISCO CITY AND COUNTY EMPLOYEES' RETIREMENT SYSTEM; $500.*~~

~~*SEC. 10.169-3. RESERVED.*~~

~~*SEC. 10.169-4. RESERVED.*~~

~~*SEC. 10.169-5. CASH REVOLVING FUNDS—SAN FRANCISCO WAR MEMORIAL; $1,000.*~~

~~*SEC. 10.169-7. CASH REVOLVING FUNDS – ADMINISTRATIVE SERVICES, ANIMAL CARE AND CONTROL; $2,000.*~~

~~*SEC. 10.169-8. RESERVED.*~~

~~*SEC. 10.169-10. CASH REVOLVING FUNDS – OFFICE OF CITIZEN COMPLAINTS; $100.*~~

~~*Sec. 10.169-11. RESERVED.*~~

~~*SEC. 10.169-12. RESERVED.*~~

~~*SEC. 10.169-13. RESERVED.*~~

~~*SEC. 10.169-14. CASH REVOLVING FUNDS – CITY PLANNING DEPARTMENT; $200.*~~

~~*SEC. 10.169-15. RESERVED.*~~

~~*SEC. 10.169-16. CASH REVOLVING FUNDS – DISTRICT ATTORNEY; $200.*~~

~~*SEC. 10.169-17. RESERVED.*~~

~~*SEC. 10.169-18. CASH REVOLVING FUNDS – ETHICS COMMISSION; $100.*~~

~~*SEC. 10.169-19. RESERVED.*~~

~~*SEC. 10.169-20. CASH REVOLVING FUNDS – BOARD OF APPEALS; $150.*~~

~~*SEC. 10.169-21. CASH REVOLVING FUNDS – ADMINISTRATIVE SERVICES, MEDICAL EXAMINER CORONER; $500.*~~

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JON GIVNER
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151241 **Date Passed:** March 15, 2016

Ordinance amending the Administrative Code to create a cash revolving fund allowing the Office of the Clerk of the Board to keep up to $100 in petty cash in the office; and making nonsubstantive changes to other sections of the Administrative Code that establish cash revolving funds for City departments.

February 25, 2016 Government Audit and Oversight Committee - RECOMMENDED

March 08, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 15, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151241

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/15/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/25/2016
Date Approved

DOCUMENTS DEPT

FILE NO. 151277 MAY - 3 2016 ORDINANCE NO. 37-16

SAN FRANCISCO
PUBLIC LIBRARY

[Administrative Code - Definition of Final Compensation for Retirement Benefits]

Ordinance amending the Administrative Code to update the definition of final compensation for purposes of retirement benefits under the San Francisco Employees' Retirement System, and to include in that definition compensation earnable under the Judges' Retirement System and Judges' Retirement System II.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Administrative Code is hereby amended by revising Section 16.29-7.3, to read as follows:

SEC. 16.29-7.3. DEFINITIONS – FINAL COMPENSATION.

Final compensation shall ~~*mean the average monthly compensation earnable by a member during the 10 years immediately preceding his or her retirement*~~ *have the meaning assigned to such term in the plan applicable to a member pursuant to the Charter. In addition, the compensation earnable during any period of service as a member of the Judges' Retirement System or the Judges' Retirement System II shall be considered compensation earnable as a member of the Retirement System for purposes of computing final compensation for the member, if he or she retires concurrently under both systems.*

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Administrative Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
TRAN L. LY
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151277 **Date Passed:** March 15, 2016

Ordinance amending the Administrative Code to update the definition of final compensation for purposes of retirement benefits under the San Francisco Employees' Retirement System, and to include in that definition compensation earnable under the Judges' Retirement System and Judges' Retirement System II.

February 25, 2016 Rules Committee - RECOMMENDED

March 08, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
Noes: 1 - Peskin

March 15, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
Noes: 1 - Peskin

File No. 151277

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/15/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/25/2016
Date Approved

GOVERNMENT
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FILE NO. 160060 MAY - 3 2016 ORDINANCE NO. 38-16

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[Settlement of Lawsuit - Yuri Simonenko - $65,000]

Ordinance authorizing settlement of the lawsuit filed by Yuri Simonenko against the City and County of San Francisco for $65,000; the lawsuit was filed on January 27, 2015, in San Francisco Superior Court, Case No. CGC-15-543836; entitled Yuri Simonenko v. City and County of San Francisco.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled Yuri Simonenko v. City and County of San Francisco, et al., San Francisco Superior Court, Case No. CGC-15-543836 by the payment of $65,000.

Section 2. The above-named action was filed in San Francisco Superior Court on January 27, 2015, and the following parties were named in the lawsuit: Plaintiff Yuri Simonenko and Defendant City and County of San Francisco

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA
City Attorney

CHERYL ADAMS
Chief Trial Deputy

FUNDS AVAILABLE:

BEN ROSENFIELD
Controller

RECOMMENDED:

DEPARTMENT OF PUBLIC WORKS

MOHAMMED NURU
Director

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160060 **Date Passed:** March 15, 2016

Ordinance authorizing settlement of the lawsuit filed by Yuri Simonenko against the City and County of San Francisco for $65,000; the lawsuit was filed on January 27, 2015, in San Francisco Superior Court, Case No. CGC-15-543836; entitled Yuri Simonenko v. City and County of San Francisco.

February 25, 2016 Government Audit and Oversight Committee - NOT RECOMMENDED..

March 08, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 15, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160060

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/15/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/25/2016
Date Approved

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FILE NO. 160061 ORDINANCE NO. 39-16

[Settlement of Lawsuit - Charles Mikich and Alexis Mikich - $125,000]

Ordinance authorizing settlement of the lawsuit filed by Charles Mikich and Alexis Mikich against the City and County of San Francisco for $125,000; the lawsuit was filed on September 19, 2011, in the United States District Court for the Northern District of California, Case No. 11-CV-04629; entitled Charles Mikich and Alexis Mikich v. City and County of San Francisco, et al.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled Charles Mikich and Alexis Mikich v. City and County of San Francisco, et al., U.S. District Court, Case No. 11-CV-04629 by the payment of $125,000.

Section 2. The above-named action was filed in United States District Court for the Northern District of California on September 19, 2011, and the following parties were named in the lawsuit: Charles Mikich and Alexis Mikich, Plaintiffs; City and County of San Francisco, Bonnie Dickerson, Dan Phillips, and Brandi Woolery, Defendants.

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA
City Attorney

CHERYL ADAMS
Chief Trial Deputy

FUNDS AVAILABLE:

BEN ROSENFIELD
Controller

RECOMMENDED:

Human Services Department

TRENT RHORER
Executive Director

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160061 **Date Passed:** March 15, 2016

Ordinance authorizing settlement of the lawsuit filed by Charles Mikich and Alexis Mikich against the City and County of San Francisco for $125,000; the lawsuit was filed on September 19, 2011, in the United States District Court for the Northern District of California, Case No. 11-CV-04629; entitled Charles Mikich and Alexis Mikich v. City and County of San Francisco, et al.

February 25, 2016 Government Audit and Oversight Committee - NOT RECOMMENDED..

March 08, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 15, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160061

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/15/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/25/2016
Date Approved

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FILE NO. 160090 MAY - 3 2016 ORDINANCE NO. 40-16

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[Settlement of Lawsuit - Lisette Adams, Granville McCollough, and Patrick Touhy - $1,300,000]

Ordinance authorizing settlement of the lawsuit filed by Lisette Adams, Granville McCollough, and Patrick Touhy, acting for themselves and others similarly situated, against the City and County of San Francisco for $1,300,000; the lawsuit was filed on October 9, 2013, in United States District Court for the Northern District of California, Case No. 13-04689 YGR; entitled Lisette Adams and Granville McCollough vs. The City and County of San Francisco and The City and County of San Francisco Sheriff's Department.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby authorizes the City Attorney to settle the action entitled Lisette Adams and Granville McCollough vs. The City and County of San Francisco and The City and County of San Francisco Sheriff's Department, United States District Court for the Northern District of California, Case No. 13-04689 YGR by the payment of $1,300,000.

Section 2. The above-named action was filed in United States District Court for the Northern District of California on October 9, 2013, and the following parties were named in the lawsuit: Plaintiffs Lisette Adams, Granville McCollough, and Patrick Touhy, acting for themselves and other similarly situated employees; Defendant City and County of San Francisco and The City and County of San Francisco's Sheriff's Department.

APPROVED AS TO FORM AND RECOMMENDED:

DENNIS J. HERRERA
City Attorney

ELIZABETH SALVESON
Chief Labor Attorney

FUNDS AVAILABLE:

BEN ROSENFIELD
Controller

RECOMMENDED:

SAN FRANCISCO SHERIFF DEPARTMENT

VICKI HENNESSY
Sheriff

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160090 **Date Passed:** March 15, 2016

Ordinance authorizing settlement of the lawsuit filed by Lisette Adams, Granville McCollough, and Patrick Touhy, acting for themselves and others similarly situated, against the City and County of San Francisco for $1,300,000; the lawsuit was filed on October 9, 2013, in United States District Court for the Northern District of California, Case No. 13-04689 YGR; entitled Lisette Adams and Granville McCollough vs. The City and County of San Francisco and The City and County of San Francisco Sheriff's Department.

February 25, 2016 Government Audit and Oversight Committee - RECOMMENDED..

March 08, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

March 15, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160090

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/15/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/25/2016
Date Approved

AMENDED IN COMMITTEE
03/09/16

FILE NO. 160043 ORDINANCE NO. 41-16

[No Competitive Solicitation Process - Selection of Preferred Contractor - Regents of the University of California - Modern Electronic Health Record System]

Ordinance providing that the competitive solicitation process requirement in Administrative Code, Section 21.1, shall not apply to the Department of Public Health's (DPH) contract for a modern, secure, and fully integrated electronic health record (EHR) system for the San Francisco Health Network to replace DPH's current system; ratifying the selection of the Regents of the University of California (UC), by and through the University of California San Francisco, as the preferred contractor~~; and authorizing DPH's Director of Health to enter into negotiations with UC to procure the new EHR system, or enter into negotiations with specified alternative vendors, as defined in this Ordinance, if negotiations with UC are unsuccessful~~.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The San Francisco Health Network (SFHN) of the Department of Public Health (DPH or Department) provides direct health services to thousands of insured and uninsured residents of the San Francisco bay area, including those most socially and medically vulnerable. The SFHN includes primary care, regional emergency and trauma treatment, medical and surgical specialties, diagnostic testing, skilled nursing and rehabilitation, dental care, comprehensive behavioral health and substance abuse treatment services, and jail

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health services. This network of health care is an essential component of the San Francisco safety net.

(b) The growing complexity of managing information, documentation, and communication to meet the triple aim of health care reform – better care for individuals, better health for the population, and lower health care costs – requires adequate tools for all healthcare staff who play a role in providing safe, effective, and lower cost care.

(c) The SFHN needs a modern and fully-integrated electronic health record (EHR) system to improve patient safety and care coordination to better protect and promote the health of all San Franciscans, fulfill the federal requirements of EHR "meaningful use," and help achieve the aims of health care reform. This EHR system would replace an outdated patchwork of multiple vendor-supported and internally created EHR systems, which developed piecemeal over several decades. This patchwork includes an outmoded clinical medical record system that does not fully comply with federal care delivery requirements and is ineligible for federal Eligible Professional and Hospital incentive payments.

(d) DPH must replace its aging EHR system, which houses all patient records, including charting, test results, medication administration, and demographics, records of hospital procurement processing, and all acute and long-term care and pharmacy billing for SFHN patients. The current EHR system was implemented in 1996 and will be phased out and no longer supported by Cerner Corporation (Cerner) within the next few years. To make a safe and successful transition from this system, as well as several other aging and disparate EHR systems, to a modern, fully-integrated EHR system, the Department plans to extend its current EHR system contract with Cerner, which ends on June 30, 2017, until at least June 30, 2019.

(e) To encourage health care providers to upgrade their EHR systems, Congress mandated that Medicare eligible professionals, eligible hospitals, and critical access hospitals

(CAH) (collectively, Providers) that are not "meaningful users" of Certified EHR Technology under the Medicare EHR Incentive Program receive financial penalties. To participate in the Medicare EHR Incentive Program, and avoid penalties, Providers must demonstrate "meaningful use" in either the Medicare EHR Incentive Program or the Medicaid EHR Incentive Program.

(f) Based on analyses by the Chief Financial Officer of the Priscilla Chan and Mark Zuckerberg San Francisco General Hospital and Trauma Center (ZSFGH) and by KPMG, a consulting and audit firm, the SFHN estimates that its Medicare payment reductions related to inability to meet "meaningful use" requirements will be approximately $876,000 annually starting in 2017, assuming that Stage 3 meaningful use penalties, as categorized under federal law, are enforced. The estimated reduction may be mitigated if the U.S. Department of Health and Human Services (HHS) grants the City a hardship waiver.

(g) In 2012, the Department embarked on an extensive research process to determine the best option for a modern, secure, and fully-integrated EHR system. The Department contracted with Sierra Systems (Sierra) to assess the Department's information technology (IT) system and develop a plan for expanding the role of technology in the Department's delivery of health care. Sierra made numerous recommendations, including: "Integration of Applications and Data to make the right data available to the right people at the right time. Integration would be easier if a single vendor software package could address all of the DPH information needs."

(h) In 2013, with each SFHN unit using a different electronic records system, the strain of coordinating among acute care, specifically among the Emergency Department, medical surgical care, intensive care, and the perioperative areas became more apparent. While the electronic records systems within each individual unit met operational needs, there was only limited ability to coordinate care as patients transitioned to various units within the SFHN.

(i) As a result, through its affiliation with the University of California San Francisco (UCSF), the Department contracted with Kurt Salmon and Associates (KSA), to further assess the Department's needs and goals in relation to the EHR vendor marketplace. KSA worked with DPH to develop a matrix of priorities, guiding principles, and criteria to help the Department identify potential single-vendor solutions for an integrated EHR system.

(j) Two of the primary vendors considered by KSA in 2013, were Epic Systems Corporation (Epic) and the Department's then electronic record system vendor, Siemens Healthcare Systems (Siemens). However, Cerner acquired Siemens in January of 2015, and has confirmed it will not be enhancing or updating DPH's current electronic records system, the Siemens product, but could provide a migration to Cerner's integrated EHR system solution, called Cerner Millennium®. Cerner's decision forced DPH to accelerate its plans to implement a modern EHR system to replace the incumbent, aging Siemens system.

(k) Cerner and Epic are the largest vendors providing a single integrated EHR system with the breadth that could likely meet the needs of the entire SFHN. Both vendors are experienced in developing systems for acute, ambulatory, and long term care, skilled nursing, inpatient psychiatric, perioperative, Emergency Department, ICU, inpatient pharmacy, revenue cycle management, and the necessary analytics to improve care and refine operations.

(l) According to HHS' statistics, and other studies, Epic and Cerner are the market leaders for EHR systems in ambulatory care and hospital settings. While the HHS statistics show that Epic and Cerner are the volume leaders for Providers and hospitals, respectively, reports by Gartner Inc., an international health care technology research and consulting firm, put Epic and Cerner at the top of the EHR industry based on multiple industry criteria, which commonly include functional depth, organizational alignment, ability to execute, and technical integration.

(m) The healthcare IT research firm, KLAS, confirms that Epic and Cerner are at, or near the top of, multiple EHR categories, such as Surgery Management and Application Hosting, with one or the other ranking first or second in all ambulatory and acute care categories. See http://thehealthcareblog.com/blog/2015/02/02/klas-announces-2014-best-in-klas-winners.

(n) Beginning in early 2015, DPH IT staff met with both Cerner and Epic to obtain information on the specifications that each of their respective EHR systems could deliver, the types of prerequisites that each would require from DPH, the ability of their systems to interface with some of the current products that their systems cannot replace, what implementation of their systems would look like, and the estimated costs associated with each.

(o) Between June and September 2015, DPH received several demonstrations from both Epic and Cerner about how their respective various EHR system modules functioned with respect to several key SFHN health care delivery services. These demonstrations served multiple purposes. They:

(1) Provided initial exposure and engagement of vendor offerings to targeted stakeholders, particularly for modules with a perceived functional gap between Cerner and Epic;

(2) Solicited feedback from stakeholders, documenting strong objections to any particular module;

(3) Developed a preliminary list of functional areas that may require a third party or supplemental solution not offered by Cerner or Epic.

(p) During the course of these meetings and presentations, DPH concluded, that the breadth of products and functionality offered by Cerner and Epic's respective EHR systems are comparable. DPH also noted that a key consideration is the use of the Epic system by

UCSF. Since the SFHN and UCSF need to continually share information and ZSFGH uses UCSF physicians to provide medical services through its Affiliation Agreement with UCSF, the familiarity and satisfaction of UCSF with Epic's EHR system, became an important factor. The Department recognized that it would receive substantially greater support from its provider community if it selected Epic, because physician adoption and acceptance of an EHR system is critical to the success of any EHR implementation.

(q) A report for the Department prepared by KSA in 2013, introduced the option of leveraging the Department's longstanding partnership with UCSF to link into the UCSF Epic EHR system, which allows this type of "shared use" via a process called Community Connect. Epic requires Community Connect hub organizations, like UCSF, to meet a rigorous set of accreditation criteria to ensure the product is kept updated and properly utilized and to adopt technology using EMR option Model℠ (EMRAM, http://www.himssanalytics.org/stage7). Depending on the pricing and subsidy decisions at the host organization, a Community Connect satellite site can benefit from a shared record and the technical resources of the host organization, often at a lower cost, and with a faster implementation timeline than developing a freestanding integrated EHR system directly from the vendor.

(r) Since 1864, ZSFGH and the UCSF School of Medicine have closely collaborated to provide health care services for the people of San Francisco. ZSFGH is one of UCSF's primary teaching hospitals, where medical residents train under UCSF faculty and City staff. Today, more than 2,000 UCSF physicians and staff from all four UCSF professional schools work side-by-side with 3,500 DPH employees, at both the hospital and the specialty and primary care clinics located on the ZSFGH campus.

(s) Beginning in August 2014, DPH IT staff met several times with UCSF staff, and more recently with Epic representatives, to better understand Epic's Community Connect accreditation process and estimated timeline, and how the shared use of UCSF's Epic EHR

system would help the Department achieve "meaningful use" under federal law while maintaining the security and privacy of SFHN's patients' confidential information. These meetings confirmed three key justifications for DPH's partnering with UCSF:

(1) The ability of UCSF to host the substantial infrastructure and hardware necessary to run their Epic EHR system sized to meet DPH's needs;

(2) The option to expand UCSF's existing EHR design, to the extent that it aligns with DPH's needs. This design has been systematically configured and refined over several years by UCSF and Epic analysts to meet the requirements of clinical and non-clinical users who work at UCSF and ZSFGH. Starting from this design will be familiar to a majority of DPH providers and is the optimal baseline for user adoption, change management, and implementation timeline; and

(3) UCSF physicians and residents have already received considerable training on and have extensive experience with the Epic EHR system, which should significantly reduce the training effort required to learn a DPH Epic system. An additional benefit of this pre-existing familiarity with the Epic system is to enable providers to focus on optimizing the care they provide to patients, contributing to improved patient satisfaction, safety, and continuity of care.

(t) In March 2015, UCSF, through a contract with the Department, analyzed DPH's current EHR system and information technology structure to determine the resources that would be required to extend and further customize UCSF's current Epic EHR system to DPH's entire SFHN via Epic's Community Connect structure. In June 2015, UCSF presented the results of its analysis to DPH, which revealed the following advantages of sharing UCSF's Epic EHR system:

(1) Leveraging UCSF's Epic EHR content and system design;

(2) Shared physician and residents/trainees;

(3) Consistency of a single EHR system with many shared design elements for providers, supporting quality and safety;

(4) Safer coordination of patient care at both UCSF and SFHN facilities;

(5) Facilitation of research via a shared patient database; and

(6) Experience and lessons learned from UCSF's Epic implementation.

UCSF's report also included cost models for extending Epic to DPH and the proposed scope and timeline.

(u) On January 19, 2016, the San Francisco Health Commission, in Resolution No. 16-3, supported the Director of Health's (Director) decision to seek authority from the Board of Supervisors for the actions contemplated in this ordinance. A copy of this Resolution is on file with the Clerk of the Board of Supervisors in File No. 160043.

Section 2. Rationale for Not Requiring Competitive Solicitation.

(a) Section 21.1 of the Administrative Code requires departments to have a formal competitive solicitation process to procure commodities or services. There are several reasons to not require competitive solicitation in this instance, and, in accordance with the desire of DPH, authorize DPH to enter into exclusive negotiations with the Regents of the University of California (UC) for an agreement for shared use of its preconfigured and fully integrated Epic EHR system as described in Sections 1 and 2.

(b) As outlined in Section 1, there are only two EHR systems, Epic and Cerner, that can provide DPH a single vendor EHR system solution with the breadth of modules needed to provide effective records and information management for the many ways that DPH delivers health care. The current industry standard for the implementation of either system is approximately two years from the date a contract is finalized.

(c) After extensively researching various options over the last three years, the Department has concluded that contracting with UCSF to implement Epic as a Community Connect Partner is the Department's most viable option for several key reasons: clinical coordination/patient safety, clinical implementation support, population health research, and training and implementation costs.

(d) As described in Section 1, DPH has maintained a partnership with UC, through and by UCSF, for over 150 years. ZSFGH serves as one of UCSF School of Medicine's flagship teaching hospitals, and UCSF Medical Center has long served as the primary source of tertiary and quaternary care for SFHN patients. More recently, UCSF has been developing a Bay Area Accountable Care Organization that SFHN is interested in joining. UCSF chose Epic as its EHR system in 2012, and has since gained experience implementing the system not only across its three major sites (Parnassus, Mt. Zion, Mission Bay), but also at Children's Hospital Oakland and UCSF Benioff Children's Physician Group. UCSF also plans to implement the system in the near future at John Muir Medical Center and for the SFGH Clinical Practice Group.

(e) UCSF Medical Center (UCMC) is the primary referral center for tertiary and quaternary care for SFHN patients, ranging from diagnostic tests that are not available on the ZSFGH campus, such as nuclear medicine, to complex longitudinal care such as organ transplantation. The Department's shared use of UCSF's Epic site license would enable the SFHN and UCSF to seamlessly, and securely, share data on these mutual patients requiring complex care. Tangible benefits to DPH and SFHN from shared use include decreased costs from avoidance of duplicative testing, as well as improved patient safety from a common medication and allergy list. In addition, clinician (e.g., MD, RN) familiarity with an organization's EHR system is essential to ensure patient safety when entering orders and fully accessing critical health care information. In a given year, more than 85% of SFHN patients

receive services at ZSFGH. Half of the ZSFGH attending physicians and all of the post-medical graduate trainees also provide care at UCMC, where they are intimately familiar with UCSF's Epic EHR system, and that familiarity reduces the risk of mistakes being made when entering information into, and accessing information from, the EHR system.

(f) Implementation and optimization of the SFHN's existing EHR systems has been hampered by a lack of clinical (RN and MD) resources to adapt and tailor clinical content and workflows, which is an extremely time-intensive process. UCSF spent thousands of hours creating and refining clinical templates that the Department anticipates can be used "out of the box" as a Community Connect satellite site. Implementing a COTS (commercial off-the-shelf) system with a proven and familiar design reduces the risk of missing project deadlines because of the extensive configuration of a new and unfamiliar alternative system. Ultimately, any project delays could result in a loss to the Department of federal incentive payments, and could adversely affect patient care coordination with UCSF.

(g) DPH and ZSFGH have a longstanding commitment to supporting research and evaluation focused on vulnerable populations. UCSF shares this commitment, and is a valued partner in these efforts. In recent years, the research has expanded to quality improvement focused on patients and clients. Now, with the advent of Accountable Care Organizations, and Department's Population Health Division's increased interest in a more comprehensive understanding of population health in San Francisco, shared data for evaluation and planning is more important than ever. Inclusion of the SFHN in UCSF's Epic EHR system would facilitate a deeper and fuller understanding of the health status of the City's population.

(h) The costs for training, and therefore implementation, will be significantly reduced by the Department using UCSF's existing Epic EHR system. Of the more than 1,200 physicians who work in the SFHN, approximately 900 are UCSF School of Medicine faculty

based at ZSFGH. Many of these faculty, along with all 900 UCSF post medical graduate trainees, who constitute a large part of the workforce at ZSFGH, are familiar and facile with using the Epic system based on their clinical work at UCMC. Training in the Epic system is provided and supported by UCSF to all new incoming post medical graduate clinical trainees, all of whom work at both UCMC and ZSFGH. If SFHN implements UCSF's version of the Epic system, the Department would be able to leverage UCSF's training for this substantial and critical part of its workforce. In addition, UCSF serves as a major pipeline to fill SFHN positions – not only physicians, but nurses, pharmacists, and other health professionals.

Section 3. Competitive Solicitation Process Not Required.

(a) The competitive solicitation process requirement in Administrative Code Section 21.1 shall not apply to the Department for the specific purpose, as explained in Sections 1 and 2 of this ordinance, of procuring a modern, secure, uniform, and fully integrated EHR system to replace the Department's current patchwork EHR system.

(b) This ordinance shall apply retroactively to all actions taken by City officials or City agencies or entities in connection with the Department's selection of the EHR system and vendor.

(c) The Board of Supervisors hereby ratifies and confirms all actions taken by City officials or City agencies or entities in selecting UC, through and by UCSF, as the City's preferred contractor.

Section 4. Authority to Negotiate an Integrated Electronic Health Record System with the Regents of the University of California.

(a) The Board of Supervisors hereby authorizes the Director of Health to enter into negotiations exclusively with UC, through and by UCSF, for a contract to allow the

Department's shared use of UCSF's electronic health record system, under UCSF's accreditation as an Epic Community Connect Partner. If, within six months of negotiation with UC, the Director is unable to obtain sufficient assurances that UC will be able to substantially meet the criteria listed in subsection (b) below, to reach a fair and reasonable agreement, the Director may also commence a competitive solicitation process to procure an integrated EHR system for the Department. If the Director cannot successfully conclude negotiations with UCSF for a new EHR system, the Director shall commence a competitive solicitation process to procure an integrated EHR system for the Department.~~enter into direct negotiations with Cerner Corporation and/or with Epic Systems.~~ The Director must obtain final approval from the Board of Supervisors of the agreement to procure an integrated EHR system for the Department.

(b) The final agreement for an integrated EHR system for DPH shall, at a minimum, substantially address the following criteria:

(1) Clearly calculated total cost of ownership over a 10-year period.

(2) Comprehensiveness of the EHR system to meet the breadth of care delivery within DPH.

(3) The EHR system will be fully hosted and supported "24/7" by the EHR partner.

(4) The EHR system will be maintained and updated to stay current with industry standards, compliant with Centers for Medicare and Medicaid Services (CMS) regulations pertaining to "meaningful use" current and future stages, and compliant with all state and federal regulations to protect patient privacy rights.

(5) DPH and the EHR partner will reach agreement on governance that would allow DPH the autonomy and accountability needed to be a conscientious steward of City resources.

(6) The EHR partner will agree with IT and Informatics on service levels for hosted solutions and technical support service levels.

(7) The EHR system will have sufficient interoperability and integration with other health care delivery organizations to effectively treat SFHN patients and clients.

(8) The EHR system will have a proven record of neutral or increase in revenue, including three clear examples of integrated delivery network (IDN) clients meeting this criterion within the past two years.

(9) The EHR system will have strong analytical capabilities to mitigate risks associated with readmissions and other CMS metrics impacting reimbursement, including three clear examples from academic teaching hospitals similar in size to ZSFGH.

(10) The EHR system will use population health analytics to support the real-time clinical decision making needs of a multi-faceted public health delivery system for optimal transitions of care, including three clear examples of IDN clients meeting this criteria. These analytical capabilities should also support DPH's mission to support ongoing research that improves outcomes.

(11) The EHR system will have proven solutions for public health organizations with an acute care Level 1 trauma center exceeding 200 beds, and for associated larger clinics (50+ providers), including three clear examples of IDN clients meeting this criteria.

(12) The EHR system will have a robust single patient portal that allows patients to engage in a meaningful way with all of their care providers.

(13) The EHR partner will be able to meet all terms and conditions of the City's contract requirements and requirements imposed by DPH on the scope of work and product solution.

Section 5. Severability.

The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid portion or application.

Section 6. Effective Date.

This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
ARNULFO MEDINA
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160043 **Date Passed:** March 22, 2016

Ordinance providing that the competitive solicitation process requirement in Administrative Code, Section 21.1, shall not apply to the Department of Public Health's (DPH) contract for a modern, secure, and fully integrated electronic health record (EHR) system for the San Francisco Health Network to replace DPH's current system; ratifying the selection of the Regents of the University of California (UC), by and through the University of California San Francisco, as the preferred contractor.

March 09, 2016 Budget and Finance Sub-Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

March 09, 2016 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED

March 15, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 9 - Avalos, Breed, Campos, Farrell, Mar, Peskin, Tang, Wiener and Yee
Noes: 2 - Cohen and Kim

March 22, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 8 - Avalos, Breed, Campos, Mar, Peskin, Tang, Wiener and Yee
Noes: 2 - Cohen and Kim
Excused: 1 - Farrell

File No. 160043

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/22/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

3/30/2016
Date Approved

AMENDED IN COMMITTEE
3/16/16

FILE NO. 151178 ORDINANCE NO. 42-16
RO#16016
SA#4281-16

[Appropriation - General Fund Reserve - Facilities Improvements in the Recreation and Park Department~~ and the Department of Public Heath~~ - ~~$5,000,000~~ $2,500,000- FY2015-2016]

Ordinance appropriating ~~$5,000,000~~ $2,500,000 from the General Fund Reserve, ~~of which $2,500,000 will be used in~~ to the Recreation and Park Department for facilities improvements in the Geneva Car Barn ~~and $2,500,000 will be used in the Department of Public Health for facilities improvements of 35-45 Onondaga Avenue,~~ in FY2015-2016.

Note: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font.*
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the funding available in Fiscal Year 2015-2016.

SOURCES Appropriation

Fund	Index/Project Code	Subobject	Description	Amount
1G AGF AAA	GENRESERVE	99999R	GENERAL FUND	~~$5,000,000~~
GF- NON-PROJECT-			RESERVE	$2,500,000
CONTROLLED				
				~~$5,000,000~~
Total SOURCES Appropriation				$2,500,000

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Section 2. The uses of funding outlined below are herein appropriated in Fiscal Year 2015-2016 for facilities improvements of the Geneva Car Barn ~~and for facilities improvements at 35 – 45 Onondaga Avenue~~:

Uses Appropriation

Fund	Index/Project Code	Subobject	Description	Amount
1G AGF ACP GENERAL FUND CONTINUING PROJECTS	XXXXX/ GENEVA CAR BARN	06700	BUILDINGS, STRUCTURES and IMPROVEMENT PROJECT BUDGET	$2,500,000
~~1G AGF ACP GENERAL FUND CONTINUING PROJECTS~~	~~XXXXX/ 35-45 ONONDAGA AVENUE~~	~~06700~~	~~BUILDINGS, STRUCTURES and IMPROVEMENT PROJECT BUDGET~~	~~$2,500,000~~
Total USES Appropriation				~~$5,000,000~~
				$2,500,000

Section 3. The Controller is authorized to record transfers between funds and adjust the accounting treatment of sources and uses appropriated in this Ordinance as necessary to conform with Generally Accepted Accounting Principles.

Section 4. Placing the entire $2,500,000 on Budget and Finance Committee Reserve pending the determination of the remaining sources and amounts of funding for the project.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
BUCK DELVENTHAL
Deputy City Attorney

FUNDS AVAILABLE:
BEN ROSENFIELD, Controller

By: _____
BEN ROSENFIELD
Controller

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 151178 **Date Passed:** April 05, 2016

Ordinance appropriating $2,500,000 from the General Fund Reserve to the Recreation and Park Department for facilities improvements in the Geneva Car Barn in FY2015-2016.

March 09, 2016 Budget and Finance Committee - CONTINUED

March 16, 2016 Budget and Finance Committee - DUPLICATED

March 16, 2016 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

March 16, 2016 Budget and Finance Committee - REFERRED WITHOUT RECOMMENDATION AS AMENDED

March 22, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 8 - Avalos, Campos, Cohen, Kim, Mar, Peskin, Wiener and Yee

Noes: 2 - Breed and Tang

Excused: 1 - Farrell

April 05, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 7 - Avalos, Campos, Cohen, Kim, Peskin, Wiener and Yee

Noes: 3 - Breed, Farrell and Tang

Absent: 1 - Mar

File No. 151178

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/5/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned
Mayor

4/15/16
Date Approved

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

4/15/16
Date

AMENDED IN COMMITTEE
3/10/2016

FILE NO. 160023 ORDINANCE NO. 43-16

[Administrative Code - San Francisco Homicide Reward Fund]

Ordinance amending the Administrative Code to establish the San Francisco Homicide Reward Fund.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) Since 2009, San Francisco has averaged approximately 50 homicides per year.

(b) Although the City has a general reward process that applies, in part, to cases of willful misconduct resulting in someone's death, and periodically offers rewards in homicide cases, it does not have a reward fund specifically for unsolved homicides.

Section 2. The Administrative Code is hereby amended by adding Section 10.100-306 to read as follows:

SEC. 10.100-306. SAN FRANCISCO HOMICIDE REWARD FUND.

(a) Establishment of Fund. The San Francisco Homicide Reward Fund (the "Fund") is established as a category six fund to receive any monies appropriated or donated for the purpose of providing rewards as set forth in this Section 10.100-306. Donations to the Fund are deemed approved for acceptance and expenditure.

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(b) Use of Fund. Monies in the fund shall be used exclusively by the Chief of Police in the following manner:

(1) The Chief of Police may pay a reward to any person or persons providing information that leads, in the judgment of the Chief after consultation with the District Attorney, to the arrest and conviction of a person for the crimes of murder (Cal. Penal Code Sec. 187, as amended, or any successor legislation) or manslaughter (Cal. Penal Code Sec. 192, as amended, or any successor legislation) committed within the City. If more than one claimant is eligible for a reward under this Section, the Chief of Police may divide the reward in a manner the Chief deems appropriate, but the total reward in connection with a single incident, whether made to one person or divided among several persons, may not exceed $250,000.

(2) A person claiming a reward from the Fund may not have participated in the planning, commission, or concealment of the crime, and the information provided by the person must have been unknown to the Police Department or the District Attorney at the time it was provided.

(3) The Chief of Police shall pay a reward from the Fund only where the Chief determines, in his or her judgment, that: (A) ~~no one has been charged with the crime for more than one year from the date of the incident; (B)~~ *the Police Department has exhausted all investigative leads; and (*~~B~~*C) assistance from the public and a reward are necessary to achieve an arrest and conviction for the crime.*

(4) Rewards are entirely in the Chief of Police's discretion and there is in no circumstance a right to an award. The amount of the reward rests in the discretion of the Chief and shall be based on, among other considerations, the nature of the crime, the length and difficulty of the investigation and prosecution, and the usefulness of the information furnished by the person claiming the reward.

(5) For the purposes of this Section 10.100-306, "conviction" shall mean a finding of guilty following a trial, a plea of guilty or nolo contendere, or a plea of guilty or nolo contendere by

plea bargaining whether or not the guilty plea or nolo contendere plea is entered for violation of Penal Code Sections 187 or 192.

(c) Administration of Fund.

(1) Any reference to the Chief of Police in this Section 10.100-306 shall include the Chief's designee.

(2) Any individual reward of $100,000 or more shall require Board of Supervisors approval by resolution.

(3) The Chief of Police shall submit an annual written report to the Board of Supervisors and the Controller within the first two weeks of July showing donations received, the nature and amount of such donations, and the disposition thereof, together with a description of the individual rewards paid from the Fund.

(4) To the extent permitted by law, the Chief of Police may keep confidential information identifying individual reward recipients. This provision shall not be construed to require the Chief to disclose other information that by law may be kept confidential.

Section 3. Undertaking for the General Welfare. In enacting and implementing this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

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Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
THOMAS J. OWEN
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160023 **Date Passed:** April 05, 2016

Ordinance amending the Administrative Code to establish the San Francisco Homicide Reward Fund.

March 10, 2016 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

March 10, 2016 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

March 22, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Farrell

April 05, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Wiener and Yee
Absent: 1 - Mar

File No. 160023

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/5/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

4/8/2016
Date Approved

[Public Works Code - Clarifying Graffiti Prohibition and Establishing Administrative Penalties]

Ordinance amending the Public Works Code to clarify that prohibited graffiti extends to all public property, including all City assets, establish expedited notice and hearing procedures, create administrative penalties for an offending party, and renumber code sections; and affirming the Planning Department's determination under the California Environmental Quality Act.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) Guerrilla marketing involving sidewalk graffiti unlawfully exploits San Francisco's walkable neighborhoods, heavy foot traffic, and robust tourism for commercial or non-commercial benefit. It gives wrongdoers an unfair competitive advantage over law-abiding companies that pay to market their identities and products through lawful means, and regrettably creates powerful market incentives for competing companies and products to similarly deface San Francisco sidewalks for their own advertising purposes. In addition, graffiti marketing creates visual distractions that pose risks to pedestrians on busy public right-of-ways, and irresponsibly tells the public that lawlessness and contempt for public property, particularly by corporate interests, are condoned and encouraged by its beneficiaries.

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(b) During the past decade, the Department of Public Works, the City Attorney's Office, and other City departments have aggressively pursued and attempted to eradicate such guerilla marketing tactics by corporate bad actors, including IBM, NBC Universal, Turner Broadcasting, and Zynga, as well as prolific graffiti taggers. Nevertheless, these forms of graffiti continue, as evidenced by guerilla marketing advertisements recently spray painted on San Francisco sidewalks to promote recording artist Justin Bieber. Proliferation of this public nuisance continues, in part, due to limited enforcement capabilities.

(c) This ordinance would clarify that prohibited graffiti extends to all public property, including sidewalks and other components of the public right-of-way, as well as to City-owned property, and to other assets under City jurisdiction, including buses and trolleys. The ordinance would allow for expedited graffiti enforcement procedures against offending parties and would establish administrative penalties as an additional tool beyond conventional criminal and civil actions to combat graffiti.

Section 2. Environmental Findings. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 160103 and is incorporated herein by reference. The Board affirms this determination.

Section 3. The Public Works Code is hereby amended by revising Sections 1301, 1302, 1303, and 1304; renumbering Sections 1300-1309 to be Sections 2300-2309; and adding Section 2307.6, to read as follows:

SEC. *2300*~~*1300*~~. TITLE.

* * * *

SEC. *2301*~~*1301*~~. PURPOSE AND INTENT.

The Board of Supervisors hereby finds and declares that:

(a) Graffiti is detrimental to the health, safety, and welfare of the community in that it promotes a perception in the community that the laws protecting public and private property can be disregarded with impunity. This perception fosters a sense of disrespect *for* the law that results in an increase in crime; degrades the community and leads to urban blight; is detrimental to property values, business opportunities, and the enjoyment of life; is inconsistent with the City's property maintenance goals and aesthetic standards; and results in additional graffiti and in other properties becoming the target of graffiti unless it is quickly removed from public and private property.

(b) Graffiti results in visual pollution and is hereby deemed a public nuisance. Graffiti must be abated as quickly as possible to avoid detrimental impacts on the City ~~*and County*~~ and its residents, and to prevent the further spread of graffiti.

(c) Graffiti is increasingly used by gangs to frighten residents of neighborhoods *and instigate and escalate disputes with opposing gangs*. Therefore, gang graffiti, in particular, exacerbates the degradation of San Francisco's quality of life. In order to alleviate this fear caused by gang graffiti, and to assist the partnership between the City ~~*and County*~~ and the neighborhoods in their mutual efforts to make streets safe, gang graffiti must be abated as quickly as possible.

(d) *Graffiti also is used in guerilla marketing campaigns to promote or publicize, for commercial or non-commercial purposes, goods, products, and services in lieu of or to supplement conventional advertising techniques. This type of graffiti must be abated as quickly as possible to avoid detrimental impacts on the City and its residents, and to prevent the further spread of graffiti.*

(e) It is the purpose of this Article *23* to provide a program for the removal of graffiti from walls, pavement, structures, and other improvements on both public and private property, *including the public right-of-way*.

SEC. *2302~~1302~~*. **DEFINITIONS**.

For purposes of this Article 23, the following definitions shall apply:

City. "City" means the City and County of San Francisco.

Director. "Director" means the Director of the Department of Public Works or his or her designee.

Graffiti. "Graffiti" means any inscription, word, figure, marking, or design that is affixed, *applied,* marked, etched, scratched, drawn, or painted on any building, structure, *Public Property,* fixture, or other improvement, whether permanent or temporary, including by way of example only and without limitation, signs, banners, billboards, and fencing surrounding construction sites, whether public or private, without the consent of the owner of the property or the owner's authorized agent, and which is visible from the public right-of-way *or located on, in, above, or under the public right-of-way*. "Graffiti" shall not include: (1) any sign or banner that is authorized by, and in compliance with, the applicable requirements of this Code, the ~~*San Francisco*~~ Planning Code, or the San Francisco Building Code; ~~or~~ (2) any mural or other painting or marking on the property that is protected as a work of fine art under the California Art Preservation Act (California Civil Code Sections 987 et seq.) or as a work of visual art under the Federal Visual Artists Rights Act of 1990 (17 U.S.C. §§ 101 et seq.); (3) any painting or marking that a City department makes in the course of its official duties or as part of a public education campaign; or (4) any painting or marking required for compliance with any local, State, or federal law.

Offending Party~~/ies~~. "Offending Party~~/ies~~" shall mean any person or ~~*persons*~~ *entity* who defaces, damages, or destroys ~~*p*~~*P*ublic *Property* or private property with graffiti. "Offending

Party~~ies~~" *also* shall include any person *or entity* who assists, enables, or permits another to deface, damage, or destroy ~~p~~Public *Property* or private property with graffiti.

Owner. "Owner" shall mean the owner of record of the property as set forth in the most current records of the Tax Assessor, or the owner's authorized agent.

Public Property. *"Public Property" shall mean those areas on, in, above, or under the public right-of-way, including, but not limited to, sidewalks, streets, and plazas and City-owned or other public entity-owned property, buildings, and assets or public assets otherwise subject to City jurisdiction, including, but not limited to, artwork, buses and trolleys, encroachments, lampposts, manhole covers, parking meters, poles, signs and banners, street furniture, traffic control devices and boxes, transit stations, and street trees.*

SEC. *2303*~~1303~~. PROHIBITION.

(a) It shall be unlawful for the owner of any real property within the City ~~*and County*~~ bearing graffiti to allow the graffiti to remain on the property in violation of this Article *23*.

(b) It shall be unlawful for any Offending Party~~ies~~ to deface, damage, or destroy ~~p~~Public *Property* or private property with graffiti.

SEC. *2304*~~1304~~. VIOLATIONS.

(a) **Notice of Violation**. Where the Director determines that any property contains graffiti in violation of Section *2303*~~1303~~, the Director may issue a notice of violation to the property owner and/or any Offending Party~~ies~~. At the time the notice of violation is issued, the Director shall take one or more photographs of the alleged graffiti, and shall make copies of the photographs available to the property owner and/or any Offending Party~~ies~~ upon request. The photographs shall be dated and retained as a part of the file for the violation. The notice shall give the owner and/or any Offending Party~~ies~~ ~~thirty (~~30~~)~~ calendar days from the date of the notice to either remove the graffiti or request a hearing on the notice of violation, and shall set forth the procedure for requesting the hearing. The notice shall also inform the owner

and/or any Offending Party~~/ies~~ that where the owner and/or any Offending Party~~/ies~~ fail to either remove the graffiti or request a hearing within ~~thirty~~ (30) calendar days from the date of the notice, the Director may initiate proceedings in accordance with this Article 23 to enter upon the property and abate the graffiti. The notice shall inform the owner and/or any Offending Party~~/ies~~ that should the Director need to abate the graffiti, that the owner and/or any Offending Party~~/ies~~ shall be liable for all costs of enforcement and abatement. The notice shall further inform the owner and/or any Offending Party~~/ies~~ that the minimum charge for removing graffiti is the greater of either $500 or the actual cost to the City, (including overhead and administrative costs, as well as attorneys' fees where the Director has elected to seek recovery of attorneys' fees). The Director shall serve the notice of violation as follows:

(1) One copy of the Notice shall be posted in a conspicuous place upon the building or property.

(2) One copy of the Notice shall be served upon each of the following:

(A) The person, if known, in real or apparent charge and control of the premises or property involved;

(B) The owner of record; and

(C) Any Offending Party~~/ies~~.

(3) The Director may also serve one copy of the notice upon any other parties with a recorded interest.

Service required by ~~paragraphs~~ subsections (a)(2) and (3) may be made by personal service or by certified mail.

(b) Where property defaced by graffiti is owned by a public entity other than the City ~~and County~~, the Director shall cause removal of the graffiti only after securing the consent of an authorized representative of the public entity that has jurisdiction over the property. The Director shall use all reasonable efforts to minimize graffiti on City-owned property, but City-

owned property shall not otherwise be subject to the requirements of this Article *23* except ~~*as provided for in Section 1307.5*~~ *if it is associated with an Offending Party*.

(c) Notwithstanding the time periods for noticing, hearings, and abatement specified in Sections 2304, 2305, and 2306, the Director, in his or her discretion, may modify such time periods if the graffiti is associated with an Offending Party to expedite such procedures, including, but not limited to, requiring the immediate abatement of graffiti, if the amount, frequency, level, type, or scope of graffiti warrants such action.

SEC. *2305*~~*1305*~~. REQUEST FOR HEARING; HEARING.

(a) Request for Hearing. A property owner and/or any Offending Party~~*ies*~~ may request a hearing ~~*in order*~~ to contest the notice of violation issued in accordance with Section *2304*~~*1304*~~ by filing with the Director within ~~*thirty (*~~30*)* calendar days from the date of the notice of violation, a request for hearing that specifies in detail the basis for contesting the notice of violation.

(b) Notice of Hearing. Whenever a hearing is requested pursuant to this Section, the Director shall, within ~~*seven (7)*~~ calendar days of receipt of the request, notify the property owner and/or any Offending Party~~*ies*~~ of the date, time, and place of the administrative review hearing by certified mail. Such hearing shall be held no later than ~~*forty-five (*~~45*)* calendar days after the Director receives the request, unless time is extended by mutual agreement of the affected parties.

(c) Submittals for the Hearing. At least ~~*five (*~~5*)* City business days prior to the hearing, the property owner and/or any Offending Party~~*ies*~~ and the City shall submit to the hearing officer and exchange with one another, written information including, but not limited to, the following: a statement of the issues to be determined by the hearing officer, a statement of the evidence to be offered at the hearing, and the identity of any witnesses to appear at the hearing. (d) Hearing Procedure. The hearing shall be conducted by a neutral

hearing officer from a City office or department outside the Department of Public Works, appointed by the Director of Administrative Services.

(1) Hearing Request by an Owner. The burden of proof to establish that the property contains graffiti shall be on the City. The owner shall be entitled to present evidence and demonstrate that his or her property does not contain graffiti. The property owner shall also be entitled to present evidence and demonstrate that his or her property is burdened with a disproportionate share of graffiti vandalism, based on factors such as the frequency or extent of the graffiti, such that requiring the owner to remove the graffiti would result in an unfair hardship. All testimony shall be under oath, and witnesses ~~*maybe*~~ *may be* cross-examined. The hearing officer shall ensure that a record of the proceedings is maintained. The determination of the hearing officer after the hearing shall be final and not appealable.

(2) Hearing Request by an Offending Party~~*/ies*~~. The burden of proof to establish that the property contains graffiti and that the Offending Party~~*/ies*~~ defaced, damaged, or destroyed private property with graffiti or assisted another to deface, damage, or destroy private property shall be on the City. The Offending Party~~*/ies*~~ shall be entitled to present relevant evidence. All testimony shall be under oath, and witnesses may be cross-examined. The hearing officer shall ensure that a record of the proceedings is maintained. The determination of the hearing officer after the hearing shall be final and not appealable.

(e) Decision. The hearing officer shall issue a decision including a summary of the issues and the evidence presented, and findings and conclusions, within ~~*ten (*~~10~~)~~ calendar days of the conclusion of the hearing. A copy of the decision shall be served upon the property owner and/or any Offending Party~~*/ies*~~ by certified mail. The decision shall be the City's final administrative determination. An aggrieved party may seek judicial review of the decision pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

SEC. *2306*~~*1306*~~. ABATEMENT BY DIRECTOR.

(a) Following the hearing if the City sustains its burden of proof, or if the property owner and/or any Offending Party~~ies~~ does not request a hearing and fails to remove the graffiti within ~~thirty (~~30~~)~~ calendar days from the date of the notice of violation, the Director may immediately order that the graffiti be abated. Unless the Director has obtained written consent from the property owner to enter the property and remove the graffiti, before initiating abatement the Director shall obtain a court order authorizing the Department of Public Works to enter upon the property and remove the graffiti and give written notice of the abatement (Abatement Order) served in accordance with Section 23041~~304~~(a). The Director may not order a graffiti abatement action that may violate the California Art Preservation Act (California Civil Code Sections 987 et seq.) or the Federal Visual Artists Rights Act of 1990 (17 U.S.C. §§ 101 et seq.) without first consulting with the City Attorney.

(b) Alternatively, the Director may provide paint for graffiti removal to a property owner at no charge. In return, the property owner shall agree in writing to paint over the graffiti giving rise to the violation within 10 City business days from receiving the paint. A property owner's failure to paint over the graffiti within that time shall be ground for the Director to issue a new notice of violation under Section 23041~~304~~.

(c) If the hearing officer determines that a hardship exists, the Director is authorized to remove the graffiti at no cost to the property owner, provided that the owner releases the City from liability by providing the Director with a signed waiver of liability. The Director may develop forms for this purpose.

(d) The following procedures shall apply to actions by the Director to abate and recover costs for abatement of graffiti on private property:

(1) Abatement Action. After obtaining a court order, the Director shall implement the Abatement Order. The Director may enter upon the property and cause the removal, painting over, or other eradication of the graffiti as the Director deems appropriate. The

Director shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, except where the Director determines in a written notice to the owner that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community. Where the Director removes graffiti in accordance with the requirements of this Article *23*, the owner and/or any Offending Party~~/ies~~ shall pay the greater of either $500 or the actual cost (including overhead and administrative costs, as well as attorneys' fees where the Director has elected to seek recovery of attorneys' fees) of removing the graffiti. The Director shall provide an accounting to the owner and/or any Offending Party~~/ies~~ of the costs of the abatement action (Abatement Accounting) on a full cost recovery basis not later than 10 days from the date the abatement action is completed. The Abatement Accounting shall include all administrative costs incurred by the City in abating graffiti on the property. The total amount set forth in the Abatement Accounting shall be due and payable by the owner and/or any Offending Party~~/ies~~ within 30 days from the date of mailing of the Abatement Accounting.

* * * *

SEC. *2307*~~*1307*~~. STAY OF PROCEEDINGS DURING CRIMINAL PROSECUTION.

* * * *

SEC. *2307.5*~~*1307.5*~~. CIVIL ACTIONS AGAINST OFFENDING PARTY~~/IES~~.

The following procedures shall apply to actions by the City and County of San Francisco against *any* Offending Party~~/ies~~ to enjoin, abate, and recover costs for abatement of graffiti committed in violation of Section *2303*~~*1303*~~:

(a) Graffiti on Public Property. In addition to any other remedies available at law or equity, the City Attorney is authorized to initiate a civil action tor injunctive relief, civil penalties, costs, and fees as set forth below. In an action for graffiti violations on public property, *any* Offending Party~~/ies~~ may be enjoined, shall be liable for civil penalties of up to

$1,000 per graffiti incident or other equivalent equitable or injunctive relief in the form of community or civic service, and shall be liable for any and all investigation, abatement, and litigation costs. Attorneys' fees shall be awarded to the prevailing party in any litigation brought pursuant to this Section *2307.5*~~1307.5~~(a).

(b) Graffiti on Private Property. If the City Attorney brings a civil action under Section *2307.5*~~1307.5~~(a) above, the City Attorney may also, where appropriate, offer evidence that the Offending Party~~/ies~~ committed additional graffiti incidents on private property. In such a case, the City Attorney may seek additional civil penalties of up to $1,000 per private property graffiti incident or other equivalent equitable or injunctive relief in the form of community or civic service, any and all associated investigation, abatement, and litigation costs, as well as any restitution to any affected private property owners for out of pocket expenses associated with the abatement.

(c) The remedies in this Section *2307.5*~~1307.5~~ are in addition to any other remedies provided by law. No provision in this Article *23* shall preclude prosecution of actions for civil and criminal penalties concurrently, sequentially, or individually.

SEC. 2307.6. ADMINISTRATIVE PENALTIES.

(a) In addition to any other remedies that may be available, a violation of this Article 23 may be punishable by an administrative fine, which may be assessed by an administrative citation issued by Public Works officials or employees designated in Section 38 of the Police Code. Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as may be amended from time to time, is hereby incorporated and shall govern the procedure for the imposition, enforcement, collection, and administrative review of administrative citations issued to enforce this Article, except that the amount of the administrative fine shall be up to $1,000 per violation per day during the term of the violation.

(b) All monies received by the City in payment of administrative fines for violation of this Article 23 shall be deposited to the credit of Public Works to be used for the graffiti removal, abatement, education, and enforcement activities of the Department and other City departments, including the City Attorney's Office. Balances remaining from the fine collection at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 9.113 of the Charter, and shall be carried forward and accumulated for the purposes recited in this subsection (b). The monies received through payment of such fines are hereby appropriated exclusively for those purposes.

SEC. 23081~~308~~. LIMITATION OF LIABILITY.

* * * *

SEC. 23091~~309~~. SEVERABILITY.

* * * *

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____ for
John D. Malamut
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160103 **Date Passed:** April 05, 2016

Ordinance amending the Public Works Code to clarify that prohibited graffiti extends to all public property, including all City assets; establish expedited notice and hearing procedures, create administrative penalties for an offending party, and renumber code sections; and affirming the Planning Department's determination under the California Environmental Quality Act.

March 10, 2016 Government Audit and Oversight Committee - RECOMMENDED

March 22, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE
Ayes: 10 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Farrell

March 22, 2016 Board of Supervisors - PASSED ON FIRST READING AS AMENDED
Ayes: 10 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Farrell

April 05, 2016 Board of Supervisors - FINALLY PASSED
Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Wiener and Yee
Absent: 1 - Mar

File No. 160103

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/5/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

4/8/2016
Date Approved

AMENDED IN COMMITTEE
3/16/16

FILE NO. 160116 ORDINANCE NO. 45-16

[Administrative Code - Establishing a San Francisco Super Bowl 50 Impact Fund]

Ordinance amending the Administrative Code to establish a San Francisco Super Bowl 50 Impact Fund to be used to provide financial support to small businesses specifically impacted by Super Bowl-related events.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Administrative Code is hereby amended by adding Section 10.100-319, to read as follows:

SEC. 10.100-319. SAN FRANCISCO SUPER BOWL 50 IMPACT FUND.

(a) ***Establishment of Fund.*** *The San Francisco Super Bowl 50 Impact Fund ("the Fund") is hereby established as a category four fund to be used to provide financial support to small businesses specifically impacted by Super Bowl-related events.*

(b) ***Source of Funds.*** *Monies from the following sources may be deposited by appropriation into the Fund: (1) donations or cost reimbursements related to any City-incurred costs associated with Super Bowl-related events; (2) surplus, discretionary General Fund tax revenues attributable to Super Bowl-related events, as estimated by the Controller's Office following an accounting of the events; and (3) any other sources.*

(c) ***Use of Funds.*** *The Board of Supervisors may appropriate monies from the Fund to provide financial support to reimburse (1) businesses, merchants, or individuals who paid the City a license,*

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operating, or other fee for the purposes of operating their business and were subsequently displaced as a result of the event, and (2) other businesses and merchants who were adversely impacted by Super Bowl-related events. ~~No monies shall be disbursed from the Fund until the Board of Supervisors adopts by ordinance rules and procedures governing the allocation of grants.~~

(d) **Administration of Grant Program.** Those street artists licensed through the Arts Commission that can demonstrate a loss of income related to the reduction of spaces resulting from covered events shall be eligible for a grant award equivalent to their income loss, not to exceed $600 per street artist.

Food trucks, restaurants, and other individuals and businesses permitted or licensed through the Department of Public Work's Bureau of Street Use & Mapping shall be eligible for grants equivalent in value to permit fee(s) for the period of time under the approved permit(s) during which the permittee was not able to make use of the permitted benefit. Such grants shall not exceed $600 per grantee. Utility-related permits or licenses are not eligible for such grants.

The Controller's Office shall develop and administer the grant application, calculation, award, and disbursement process, in consultation with the Department of Public Works and Arts Commission. The Controller shall proportionally reduce grant awards authorized above to the extent that total calculated awards exceed the available balance in the fund.

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 3. Undertaking for the General Welfare. In enacting and implementing this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
THOMAS OWEN
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160116 **Date Passed:** April 05, 2016

Ordinance amending the Administrative Code to establish a San Francisco Super Bowl 50 Impact Fund to be used to provide financial support to small businesses specifically impacted by Super Bowl-related events.

March 16, 2016 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

March 16, 2016 Budget and Finance Committee - REFERRED WITHOUT RECOMMENDATION AS AMENDED

March 22, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 8 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin and Yee
Noes: 2 - Tang and Wiener
Excused: 1 - Farrell

April 05, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 7 - Avalos, Breed, Campos, Cohen, Kim, Peskin and Yee
Noes: 3 - Farrell, Tang and Wiener
Absent: 1 - Mar

File No. 160116

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/5/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned
Mayor

4/15/16
Date Approved

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

4/15/16
Date

File No.
160116

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FILE NO. 160117

ORDINANCE NO. 46-16
RO#16020
SA#21-20

[Appropriation - Funding for the Super Bowl 50 Impact Fund - $100,000 - FY2015-2016]

Ordinance appropriating $100,000 from the General Reserve to fund the Super Bowl 50 Impact Fund in FY2015-2016.

Note: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font.*
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the funding available in Fiscal Year 2015-2016.

SOURCES Appropriation

Fund	Index/Project Code	Subobject	Description	Amount
1G AGF AAA GF- NON-PROJECT-CONTROLLED	GENRESERVE	99999R	GENERAL RESERVE	$100,000
Total SOURCES Appropriation				**$100,000**

Section 2. The uses of funding outlined below are herein appropriated in Fiscal Year 2015-2016 to transfer funds to the Superbowl 50 Impact Fund.

Uses Appropriation

Fund	Index/Project Code	Subobject	Description	Amount
XXXXXXXX	XXXXXX	XXXXX	Superbowl 50 Impact Fund	$100,000
Total USES Appropriation				**$100,000**

Section 3. The Controller is authorized to record transfers between funds and adjust the accounting treatment of sources and uses appropriated in this Ordinance as necessary to conform with Generally Accepted Accounting Principles.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: THOMAS OWEN
Deputy City Attorney

FUNDS AVAILABLE:
BEN ROSENFIELD, Controller

By: BEN ROSENFIELD
Controller

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160117 **Date Passed:** April 05, 2016

Ordinance appropriating $100,000 from the General Reserve to fund the Super Bowl 50 Impact Fund in FY2015-2016.

March 16, 2016 Budget and Finance Committee - REFERRED WITHOUT RECOMMENDATION

March 22, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 8 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin and Yee
Noes: 2 - Tang and Wiener
Excused: 1 - Farrell

April 05, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 7 - Avalos, Breed, Campos, Cohen, Kim, Peskin and Yee
Noes: 3 - Farrell, Tang and Wiener
Absent: 1 - Mar

File No. 160117

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/5/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned
Mayor

4/15/16
Date Approved

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

4/15/16
Date

File No.
160117

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FILE NO. 160195

ORDINANCE NO. 47-16
RO#16025
SA#90-25

[Appropriation - Proceeds from Road Repaving and Street Safety General Obligation Bonds of $44,145,000 and Bond Interests of $2,317,851 - FY2015-2016]

Ordinance appropriating $46,462,851 consisting of $44,145,000 of the 2016E Series Road Repaving and Street Safety (RRSS) 2011 General Obligation Bond Proceeds and $2,317,851 of accumulated bond interest earnings to the Department of Public Works and Municipal Transportation Agency for street resurfacing, the redesign of streetscapes to include pedestrian and bicycle safety improvements, and traffic signal improvements to support transit priority in FY2015-2016 and placing these funds on Controller's Reserve pending the sale of the bonds and review of arbitrage costs.

Note: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font.*
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect funding available for Fiscal Year 2015-2016.

SOURCES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
3C SIF XXX - Road Repaving and Street Safety Bond 2011 Series 2016E	XXX CSTR11 XXX	80111	General Obligation Bond Proceeds	$39,823,118
5N CPF XXX MTA – Capital Projects Fund – RRSS Bond 2011	XXX CSTR11 XXX	80111	General Obligation Bond Proceeds	$4,321,882
3C SIF 11A 2011 Road Repaving and Street Safety Bond – 1st sale, 2012C Series	*CON3CSIF11A CSTR11 IN	30150	Interest Earnings from RRSS General Obligation Bond Proceeds (Series 2012C)	$903,301
3C SIF 11B 2011 RR and Street Safety Bond – 2nd sale, 2013C Series	*CON3CSIF11B CSTR11 IN	30150	Interest Earnings from RRSS General Obligation Bond Proceeds (Series 2013C)	$1,414,550
Total SOURCES Appropriation				**$46,462,851**

Section 2. The uses of funding outlined below are herein appropriated in Subobject 06700 (Buildings, Structures, and Improvement Project-Budget), Subobject 07311 (Cost of Bond Issuance, Underwriter's Discount, and Reserve Pending Bond Sale), Subobject 081C4 (City Services Auditor Internal Audits for the General Obligation Bond Oversight Committee and the Controller's Audit Fund), and reflect the projected uses of funding for street safety and road repaving in Fiscal Year 2015-2016.

USES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
3C SIF XXX - Road Repaving and Street Safety Bond 2011, Series 2016E	XXXXXX CSTR11 SRBU00	06700 Buildings, Structures & Improvement Project-Budget	Street Resurfacing	$24,701,488
3C SIF XXX - Road Repaving and Street Safety Bond 2011, Series 2016E	XXXXXX CSTR11 SCBU00	06700 Buildings, Structures & Improvement Project-Budget	Streetscape, Bike, and Pedestrian	$14,473,828
3C SIF XXX - RRSS Bond 2011, Series 2016E	XXXXXX CSTR11 SRBU00	07311 Bond Cost of Issuance	Bond Cost of Issuance	$131,397

Fund	Index Code / Project Code	Subobject	Description	Amount
3C SIF XXX - Road Repaving and Street Safety Bond 2011, Series 2016E	XXXXXX CSTR11 SRBU00	07311 Bond Cost of Issuance	Underwriter's Discount	$398,231
3C SIF XXX - Road Repaving and Street Safety Bond 2011, Series 2016E	XXXXXX CSTR11 SRBU00	081C4 City Services Auditor Cost	0.2% allocation for the Controller's Audit Fund	$78,351
3C SIF XXX - Road Repaving and Street Safety Bond 2011, Series 2016E	XXXXXX CSTR11 SRBU00	081C4 City Services Auditor Cost	0.1% allocation for the General Obligation Bond Oversight Committee Audits	$39,823
3C SIF 11A 2011 RRSS Bond – 1st sale, 2012C Series	XXXXXX CSTR11 SCBU00	06700 Buildings, Structures & Improvement Project-Budget	Streetscape, Bike, and Pedestrian – Interest from 2012C	$901,494

Fund	Index Code / Project Code	Subobject	Description	Amount
3C SIF 11B 2011 Road Repaving and Street Safety Bond – 2nd sale, 2013C Series	XXXXXX CSTR11 SCBU00	06700 Buildings, Structures & Improvement Project-Budget	Streetscape, Bike, and Pedestrian – Interest from 2013C	$1,411,721
3C SIF 11A 2011 Road Repaving and Street Safety Bond – 1st sale, 2012C Series	XXXXXX CSTR11 SCBU00	081C4 Controller Internal Audits	0.2% allocation for the Controller's Audit Fund – 2012C interest	$1,807
3C SIF 11B 2011 Road Repaving and Street Safety Bond – 2nd sale, 2013C Series	XXXXXX CSTR11 SCBU00	081C4 Controller Internal Audits	0.2% allocation for the Controller's Audit Fund – 2013C interest	$2,829

Fund	Index Code / Project Code	Subobject	Description	Amount
5N CPF XXX MTA – Capital Projects Fund – RRSS Bond 2011	XXXXXX CSTR11 TSPK00	06700 Buildings, Structures & Improvement Project-Budget	Traffic Signal and Street Improvements	$4,251,578
5N CPF XXX MTA – Capital Projects Fund – RRSS Bond 2011	XXXXXX CSTR11 TSPK00	07311 Bond Issuance Cost	Cost of Issuance	$14,260
5N CPF XXX MTA – Capital Projects Fund – RRSS Bond 2011	XXXXXX CSTR11 TSPK00	07311 Bond Issuance Cost	Underwriter's Discount	$43,219
5N CPF XXX MTA – Capital Projects Fund – RRSS Bond 2011	XXXXXX CSTR11 TSPK00	081C4 Controller Internal Audits	0.2% allocation for the Controller's Audit Fund	$8,503

Fund	Index Code / Project Code	Subobject	Description	Amount
5N CPF XXX MTA – Capital Projects Fund – RRSS Bond 2011	XXXXXX CSTR11 TSPK00	081C4 Controller Internal Audits	0.1% allocation for the General Obligation Bond Oversight Committee Audits	$4,322
Total USES Appropriation				**$46,462,851**

Section 3. The uses of funding outlined above excluding appropriations of bond interest for $44,145,000 are herein placed on Controller's Reserve pending sale of the General Obligation Bonds.

Section 4. The uses of bond interest outlined above for $2,317,851 are herein placed on Controller's Reserve pending review of arbitrage costs by the Controller's Office of Public Finance. All arbitrage costs will be de-appropriated from this amount and re-appropriated for that purpose.

Section 5. The Controller is authorized to record transfers between funds and adjust the accounting treatment of sources and uses appropriated in this ordinance as necessary to conform with Generally Accepted Accounting Principles.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
THOMAS OWEN
Deputy City Attorney

FUNDS AVAILABLE
BEN ROSENFIELD, Controller

By: _____
BEN ROSENFIELD
Controller

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160195 **Date Passed:** April 05, 2016

Ordinance appropriating $46,462,851 consisting of $44,145,000 of the 2016E Series Road Repaving and Street Safety (RRSS) 2011 General Obligation Bond Proceeds and $2,317,851 of accumulated bond interest earnings to the Department of Public Works and Municipal Transportation Agency for street resurfacing, the redesign of streetscapes to include pedestrian and bicycle safety improvements, and traffic signal improvements to support transit priority in FY2015-2016 and placing these funds on Controller's Reserve pending the sale of the bonds and review of arbitrage costs.

March 16, 2016 Budget and Finance Committee - RECOMMENDED

March 22, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Farrell

April 05, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Wiener and Yee
Absent: 1 - Mar

File No. 160195

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/5/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

4/8/2016
Date Approved

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FILE NO. 160196

ORDINANCE NO. 48-16

RO#16023
SA#90-23

[Appropriation - Proceeds from General Obligation Bonds and Bond Proceed Interest Earnings - $29,673,553 - FY2015-2016]

Ordinance appropriating $29,673,553 consisting of $25,215,000 of the 2016 Series Earthquake Safety and Emergency Response (ESER 2010) General Obligation Bond Proceeds, and $4,458,553 accumulated bond interest to Public Works in FY2015-2016 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster and placing these funds on Controller's Reserve pending the sale of the bonds and review of arbitrage costs.

Note: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font.*
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect funding available for Fiscal Year 2015-2016.

SOURCES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF XXX - Earthquake Safety & Emergency Response (ESER 2010, Series 2016C)	XXXXXXXXXX CESER1 MP0000	80111 Proceeds from Sale of Bonds-Face Amount	General Obligation Bond Proceeds	$25,215,000
3C XCF 10A Earthquake Safety & Emergency Response 1ST S2010E	*CON3CXCF10A CESER1 MP0000	30150 Interest Earned	Bond Interest	$1,215,399
3C XCF 10B Earthquake Safety & Emergency Response 2nd S2012A	*CON3CXCF10B CESER1 MP0000	30150 Interest Earned	Bond Interest	$3,009,203
3C XCF 10C Earthquake Safety & Emergency Response 3rd S2012E	*CON3CXCF10C CESER1 IN	30150 Interest Earned	Bond Interest	$18,407

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF 10D Earthquake Safety & Emergency Response 4th S2013E	*CON3CXCF10D CESER1 IN	30150 Interest Earned	Bond Interest	$57,670
3C XCF 10E Earthquake Safety & Emergency Response 5th S2014C	*CON3CXCF10E CESER1 MP0000	30150 Interest Earned	Bond Interest	$157,874
Total SOURCES Appropriation				**$29,673,553**

Section 2. The uses of funding outlined below are herein appropriated in Subobject 06700 (Buildings, Structures, and Improvement Project-Budget), Subobject 0935W (Operating Transfer Out to 5W-Water Department Funds for Auxiliary Water Supply System), Subobject 07311 (Cost of Bond Issuance, Underwriter's Discount, and Reserve Pending Bond Sale), Subobject 081C4 (City Services Auditor Internal Audits for the General Obligation Bond Oversight Committee and the Controller's Audit Fund), and reflect the projected uses of funding for street safety and road repaving and the necessary repairs and seismic improvements that are needed in order to better prepare San Francisco for a major earthquake or natural disaster in Fiscal Year 2015-2016.

USES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF XXX Earthquake Safety & Emergency Response Bond (ESER 2010) Fund	XXXXXXXXXX CESER1 MP0000	06700 Buildings, Structures & Improvement Project-Budget	Earthquake Safety & Emergency Response Facilities Improvements	$24,804,828
3C XCF 10A Earthquake Safety & Emergency Response Bond 1ST S2010E	XXXXXXXXXX CESER1 MP0000	06700 Buildings, Structures & Improvement Project-Budget	Earthquake Safety & Emergency Response Facilities Improvements	$1,212,968
3C XCF 10B Earthquake Safety & Emergency Response Bond 2nd S2012A	XXXXXXXXXX CESER1 MP0000	06700 Buildings, Structures & Improvement Project-Budget	Earthquake Safety & Emergency Response Facilities Improvements	$3,003,185

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF 10E Earthquake Safety & Emergency Response Bond 5th S2014C	XXXXXXXXXX CESER1 MP0000	06700 Buildings, Structures & Improvement Project-Budget	Earthquake Safety & Emergency Response Facilities Improvements	$157,558
3C XCF 10C Earthquake Safety & Emergency Response Bond 3rd S2012E	XXXXXXXXXX CESER1 MP0000	06700 Buildings, Structures & Improvement Project-Budget	Earthquake Safety & Emergency Response Facilities Improvements	$18,370
3C XCF 10D Earthquake Safety & Emergency Response Bond 4th S2013E	XXXXXXXXXX CESER1 MP0000	06700 Buildings, Structures & Improvement Project-Budget	Earthquake Safety & Emergency Response Facilities Improvements	$57,555

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF XXX Earthquake Safety & Emergency Response Bond (ESER 2010) Fund	XXXXXXXXXX CESER1 MP0000	07311 Bond Cost of Issuance	Bond Cost of Issuance	$83,197
3C XCF XXX Earthquake Safety & Emergency Response Bond (ESER 2010) Fund	XXXXXXXXXX CESER1 MP0000	07311 Bond Cost of Issuance	Underwriter's Discount	$252,150
3C XCF XXX Earthquake Safety & Emergency Response Bond (ESER 2010) Fund	XXXXXXXXXX CESER1 MP0000	081C4 City Services Auditor Cost	0.1% allocation for the General Obligation Bond Oversight Committee Audits	$25,215

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF XXX Earthquake Safety & Emergency Response Bond (ESER 2010) Fund	XXXXXXXXXX CESER1 MP0000	081C4 City Services Auditor Cost	0.2% allocation for the Controller's Audit Fund	$49,610
3C XCF 10A Earthquake Safety & Emergency Response Bond 1ST S2010E	XXXXXXXXXX CESER1 MP0000	081C4 City Services Auditor Cost	0.2% allocation for the Controller's Audit Fund	$2,431
3C XCF 10B Earthquake Safety & Emergency Response Bond 2nd S2012A	XXXXXXXXXX CESER1 MP0000	081C4 City Services Auditor Cost	0.2% allocation for the Controller's Audit Fund	$6,018
3C XCF 10C Earthquake Safety & Emergency Response Bond 3rd S2012E	XXXXXXXXXX CESER1 MP0000	081C4 City Services Auditor Cost	0.2% allocation for the Controller's Audit Fund	$37

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF 10D Earthquake Safety & Emergency Response Bond 4th S2013E	XXXXXXXXXX CESER1 MP0000	081C4 City Services Auditor Cost	0.2% allocation for the Controller's Audit Fund	$115
3C XCF 10E Earthquake Safety & Emergency Response Bond 5th S2014C	XXXXXXXXXX CESER1 MP0000	081C4 City Services Auditor Cost	0.2% allocation for the Controller's Audit Fund	$316
Total USES Appropriation				**$29,673,553**

Section 3. The uses of funding outlined above excluding appropriations of bond interest for $29,673,553 are herein placed on Controller's Reserve pending sale of the General Obligation Bonds.

Section 4. The uses of bond interest outlined above for $4,458,553 are herein placed on Controller's Reserve pending review of arbitrage costs by the Controller's Office of Public Finance. All arbitrage costs will be de-appropriated from this amount and re-appropriated for that purpose.

Section 5. The Controller is authorized to record transfers between funds and adjust the accounting treatment of sources and uses appropriated in this ordinance as necessary to conform with Generally Accepted Accounting Principles.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
THOMAS OWEN
Deputy City Attorney

FUNDS AVAILABLE
BEN ROSENFIELD, Controller

By: _____
BEN ROSENFIELD
Controller

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160196 **Date Passed:** April 05, 2016

Ordinance appropriating $29,673,553 consisting of $25,215,000 of the 2016 Series Earthquake Safety and Emergency Response (ESER 2010) General Obligation Bond Proceeds, and $4,458,553 accumulated bond interest to Public Works in FY2015-2016 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster and placing these funds on Controller's Reserve pending the sale of the bonds and review of arbitrage costs.

March 16, 2016 Budget and Finance Committee - RECOMMENDED

March 22, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Farrell

April 05, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Wiener and Yee
Absent: 1 - Mar

File No. 160196

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/5/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

4/8/2016
Date Approved

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FILE NO. 160197 MAY - 3 2016 ORDINANCE NO. 49-16

RO#16024
SA#90-24

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[Appropriation - Proceeds from Earthquake Safety and Emergency Response General Obligation Bonds - $111,060,000 - FY2015-2016]

Ordinance appropriating $111,060,000 of the 2016 Series Earthquake Safety and Emergency Response (ESER 2014) General Obligation Bond Proceeds to the Department of Public Works in FY2015-2016 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster.

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Additions to Codes are in *single-underline italics Times New Roman font.*
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect funding available for Fiscal Year 2015-2016.

SOURCES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF XXX - Earthquake Safety & Emergency Response (ESER 2014, Series 2016D)	XXXXXXXXXX CESER2MP0000	80111 Proceeds from Sale of Bonds-Face Amount	General Obligation Bond Proceeds	$111,060,000
Total SOURCES Appropriation				**$111,060,000**

Section 2. The uses of funding outlined below are herein appropriated in Subobject 06700 (Buildings, Structures, and Improvement Project-Budget), Subobject 0935W (Operating Transfer Out to 5W-Water Department Funds for Auxiliary Water Supply System), Subobject 07311 (Cost of Bond Issuance, Underwriter's Discount, and Reserve Pending Bond Sale), Subobject 081C4 (City Services Auditor Internal Audits for the General Obligation Bond Oversight Committee and the Controller's Audit Fund), and reflect the projected uses of funding for the necessary repairs and seismic improvements that are needed in order to better prepare San Francisco for a major earthquake or natural disaster in Fiscal Year 2015-2016.

USES Appropriation

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF XXX - Earthquake Safety & Emergency Response (ESER 2014, Series 2016D)	XXXXXXXXXX CESER2 MP0000	06700 Buildings, Structures & Improvement Project-Budget	Earthquake Safety & Emergency Response Facilities Improvements	$74,201,550
3C XCF XXX - Earthquake Safety & Emergency Response (ESER 2014, Series 2016D)	XXXXXXXXXX CESER2 MP0000	0935W OTO to 5W-Water Department Funds	Auxiliary Water Supply System	$34,065,000
3C XCF XXX - Earthquake Safety & Emergency Response (ESER 2014, Series 2016D)	XXXXXXXXXX CESER2 MP0000	07311 Bond Issuance Cost	Cost of Issuance	$366,257

Fund	Index Code / Project Code	Subobject	Description	Amount
3C XCF XXX - Earthquake Safety & Emergency Response (ESER 2014, Series 2016D)	XXXXXXXXXX CESER2 MP0000	07311 Bond Issuance Cost	Reserve for Market Uncertainty	1,000,000
3C XCF XXX - Earthquake Safety & Emergency Response (ESER 2014, Series 2016D)	XXXXXXXXXX CESER2 MP0000	07311 Bond Issuance Cost	Underwriter's Discount	$1,100,600
3C XCF XXX - Earthquake Safety & Emergency Response (ESER 2014, Series 2016D)	XXXXXXXXXX CESER2 MP0000	081C4 Controller Internal Audits	0.2% allocation for the Controller's Audit Fund	$216,533

3C XCF XXX - Earthquake Safety & Emergency Response (ESER 2014, Series 2016D)	XXXXXXXXXX CESER2 MP0000	081C4 Controller Internal Audits	0.1% allocation for the General Obligation Bond Oversight Committee Audits	$110,060
Total USES Appropriation				**$111,060,000**

Section 3. The uses of funding outlined above for $111,060,000 are herein placed on Controller's Reserve pending sale of the General Obligation Bonds.

Section 5. The Controller is authorized to record transfers between funds and adjust the accounting treatment of sources and uses appropriated in this ordinance as necessary to conform with Generally Accepted Accounting Principles.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
THOMAS OWEN
Deputy City Attorney

FUNDS AVAILABLE
BEN ROSENFIELD, Controller

By: _____
BEN ROSENFIELD
Controller

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160197 **Date Passed:** April 05, 2016

Ordinance appropriating $111,060,000 of the 2016 Series Earthquake Safety and Emergency Response (ESER 2014) General Obligation Bond Proceeds to the Department of Public Works in FY2015-2016 for necessary repairs and seismic improvements in order to better prepare San Francisco for a major earthquake or natural disaster.

March 16, 2016 Budget and Finance Committee - RECOMMENDED

March 22, 2016 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Avalos, Breed, Campos, Cohen, Kim, Mar, Peskin, Tang, Wiener and Yee
Excused: 1 - Farrell

April 05, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Peskin, Tang, Wiener and Yee
Absent: 1 - Mar

File No. 160197

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/5/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

4/8/2016
Date Approved

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FILE NO. 160221

ORDINANCE NO. 50-16
RO# 16022
SA# 42-22

[Appropriation - Community Impact Improvement Fees - Eastern Neighborhoods Infrastructure Improvement Projects - $739,671 - FY2015-2016]

Ordinance appropriating $739,671 of Community Improvement Impact Fees revenue to the Recreation and Park Department to support the Eastern Neighborhoods Infrastructure Improvement Projects in FY2015-2016.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the projected funding available in FY2015-2016.

SOURCES Appropriation

Fund	Index / Project Code	Subobject	Description	Amount
2S NDF ENH	REC2SNDFENH	75415	COMMUNITY	$739,671
NEIGHBORHOOD	CRPENH1FPK		IMPROVEMENT	
DEVELOPMENT SPEC			IMPACT FEE	
REV FD				
Total SOURCES Appropriation				**$739,671**

Section 2. The uses of funding outlined below are herein appropriated in FY2015-2016 and reflect the projected uses of funding to support the renovation, repair, and construction of Eastern Neighborhoods Infrastructure Improvement Projects.

USES Appropriation

Fund	Index/Project Code	Subobject	Description	Amount
2S NDF ENH NEIGHBORHOOD DEVELOPMENT SPEC REV FD	REC2SNDFENH CRPENH1FPK	06700	BLDS,STRUCT & IMPROVEMENT	$739,671
Total USES Appropriation				**$739,671**

Section 3. The Controller is authorized to record transfers between funds and adjust the accounting treatment of sources and uses appropriated in this Ordinance as necessary to conform with Generally Accepted Accounting Principles.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: THOMAS OWEN
Deputy City Attorney

FUNDS AVAILABLE
BEN ROSENFIELD, Controller

By: BEN ROSENFIELD
Controller

City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160221 **Date Passed:** April 12, 2016

Ordinance appropriating $739,671 of Community Improvement Impact Fees revenue to the Recreation and Park Department to support the Eastern Neighborhoods Infrastructure Improvement Projects in FY2015-2016.

March 23, 2016 Budget and Finance Sub-Committee - RECOMMENDED

April 05, 2016 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

April 12, 2016 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160221

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/12/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

4/20/16
Date Approved

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